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2 An act relating to the management of state  
3 financial matters; amending s. 14.2015, F.S.;  
4 requiring the Office of Tourism, Trade, and  
5 Economic Development and the Florida Commission  
6 on Tourism to advise and consult with the  
7 Consensus Estimating Conference principals  
8 concerning certain duties; amending s. 20.19,  
9 F.S.; eliminating certain transfer authority of  
10 district administrators in the Department of  
11 Children and Family Services; amending s.  
12 20.316, F.S., relating to the Department of  
13 Juvenile Justice information systems;  
14 correcting a reference; amending s. 45.062,  
15 F.S.; limiting the ability of agencies to  
16 settle lawsuits in certain circumstances;  
17 requiring that certain legislative officers and  
18 the Attorney General receive prior notice  
19 concerning settlement negotiations and  
20 presettlement agreements or orders; providing  
21 certain exceptions; requiring that moneys paid  
22 in settlement of a legal action be placed into  
23 the General Revenue Fund or an appropriate  
24 trust fund; amending s. 110.1239, F.S.;  
25 correcting a cross-reference; amending s.  
26 110.1245, F.S., relating to a savings sharing  
27 program; correcting a reference; amending s.  
28 215.32, F.S.; providing for unallocated general  
29 revenue; revising a provision relating to the  
30 restoration of expenditures from the Budget  
31 Stabilization Fund; revising requirements and

1 | uses of Working Capital Fund moneys; amending  
2 | s. 215.5601, F.S.; revising provisions relating  
3 | to appropriations to and uses of the Lawton  
4 | Chiles Endowment Fund; amending ss. 215.93 and  
5 | 215.94, F.S.; revising duties of the Financial  
6 | Management Information Board, the functional  
7 | owners of information subsystems, and the  
8 | Auditor General relating to the Florida  
9 | Financial Management Information System;  
10 | amending s. 215.97, F.S., relating to the  
11 | Florida Single Audit Act; revising and  
12 | providing definitions; revising the uniform  
13 | state audit requirements for state financial  
14 | assistance provided by state agencies to  
15 | nonstate entities; requiring the Department of  
16 | Financial Services to adopt rules and perform  
17 | additional duties with respect to the provision  
18 | of financial assistance to carry out state  
19 | projects; revising duties of the Executive  
20 | Office of the Governor and Chief Financial  
21 | Officer and specifying duties of coordinating  
22 | agencies; exempting certain nonstate entities  
23 | from the requirements of the Florida Single  
24 | Audit Act; amending s. 216.011, F.S.; revising  
25 | and providing definitions; amending s. 216.013,  
26 | F.S.; revising requirements for the long-range  
27 | program plans developed by state agencies and  
28 | the judicial branch; providing for the  
29 | preparation of form, manner, and timeframe  
30 | instructions for such plans; revising the plan  
31 | submission date; revising the date by which to

1 submit adjustments to such plans; requiring the  
2 plans to be posted on the Internet; providing  
3 that long-range program plans are exempt from  
4 ch. 120; amending s. 216.023, F.S.; providing  
5 for alternate dates for agencies to submit  
6 legislative budget requests; changing the  
7 requirements for an annual inventory of certain  
8 litigation; requiring and specifying additional  
9 information in legislative budget requests;  
10 revising requirements of the judicial branch's  
11 legislative budget requests; revising duties of  
12 the Executive Office of the Governor, the  
13 Legislature, and the Chief Justice relating to  
14 legislative budget requests; amending s.  
15 216.031, F.S.; revising requirements for target  
16 budget requests; amending s. 216.052, F.S.;  
17 deleting certain requirements relating to  
18 community budget requests; amending s. 216.053,  
19 F.S.; deleting the requirement that the General  
20 Appropriations Act contain summary information  
21 concerning performance-based program budgets;  
22 amending s. 216.065, F.S.; revising  
23 requirements relating to fiscal impact  
24 statements on actions affecting the budget;  
25 amending s. 216.081, F.S.; providing data  
26 requirements for the Governor's recommended  
27 budget under certain circumstances; amending s.  
28 216.133, F.S.; deleting references to conform;  
29 amending s. 216.134, F.S.; stipulating that  
30 consensus estimating conferences are within the  
31 legislative branch; revising provisions

1 relating to public meetings of consensus  
2 estimating conferences; amending s. 216.136,  
3 F.S.; deleting provisions for the Child Welfare  
4 System Estimating Conference and the Juvenile  
5 Justice Estimating Conference; revising  
6 provisions relating to the principals of the  
7 Self-Insurance Estimating Conference and the  
8 Florida Retirement System Actuarial Assumption  
9 Conference; amending s. 216.162, F.S.; revising  
10 the date for the Governor to submit the  
11 recommended budget to the Legislature; amending  
12 s. 216.163, F.S.; authorizing the Governor's  
13 budget recommendation to include an alternative  
14 recommendation for operating and fixed capital  
15 outlay appropriations to that of the Chief  
16 Justice; amending s. 216.167, F.S.; deleting  
17 references to the Working Capital Fund, to  
18 conform; amending s. 216.168, F.S.; deleting  
19 provisions exempting the Governor from a  
20 requirement to submit amended recommendations;  
21 amending s. 216.177, F.S.; revising notice and  
22 review requirements for actions taken under ch.  
23 216, F.S., to provide for funds expended in  
24 settlement of agency litigation; deleting an  
25 obsolete provision; amending s. 216.181, F.S.;  
26 requiring approval of certain amendments to an  
27 approved operating budget by the Legislative  
28 Budget Commission; revising requirements for  
29 determining salary rates; authorizing the  
30 Legislative Budget Commission to approve salary  
31 rates; revising provisions relating to how the

1 annual salary rate is determined and  
2 controlled; deleting certain notice  
3 requirements; requiring that the legislative  
4 appropriations committees approve certain  
5 nonoperating budgets; deleting the authority to  
6 advance certain contracted services funds in  
7 the Department of Children and Family Service  
8 and the Department of Health; amending s.  
9 216.192, F.S.; deleting provisions authorizing  
10 the legislative appropriations committees to  
11 provide advice regarding the release of funds;  
12 authorizing the Executive Office of the  
13 Governor and the Chief Justice to place  
14 appropriations in mandatory reserve or budget  
15 reserve; amending s. 216.195, F.S.; deleting  
16 certain notice and review requirements for the  
17 impoundment of funds; amending s. 216.221,  
18 F.S.; authorizing the Legislature to direct the  
19 use of any state funds in an appropriations act  
20 to offset General Revenue Fund deficits;  
21 revising requirements for adjusting budgets in  
22 order to avoid or eliminate a deficit; revising  
23 procedures for certifying a budget deficit;  
24 revising requirements for the Governor and the  
25 Chief Justice in developing plans of action;  
26 requiring that the Legislative Budget  
27 Commission implement certain reductions in  
28 appropriations; revising requirements for  
29 resolving deficits; requiring that certain  
30 actions to resolve a deficit be approved by the  
31 Legislative Budget Commission; amending s.

1 216.231, F.S., relating to the release of  
2 classified appropriations, to conform; amending  
3 s. 216.235, F.S.; limiting the funding of  
4 certain proposals under the Innovation  
5 Investment Program; correcting references;  
6 amending s. 216.241, F.S.; requiring that the  
7 initiation or commencement of new programs be  
8 approved by the Legislative Budget Commission;  
9 deleting certain notice requirements; amending  
10 s. 216.251, F.S.; correcting a reference;  
11 revising requirements for establishing certain  
12 salaries; amending s. 216.262, F.S.; requiring  
13 the Legislative Budget Commission to approve  
14 certain increases in the number of positions  
15 for authorized programs; deleting provisions  
16 authorizing an agency to retain salary dollars  
17 under certain circumstances; amending s.  
18 216.292, F.S.; revising provisions relating to  
19 the transferability of appropriations; revising  
20 limitations on the transferability of  
21 appropriations; prohibiting spending fixed  
22 capital outlay for other purposes; providing  
23 notice and review requirements prior to  
24 implementation of certain transfers;  
25 prohibiting transferring appropriations except  
26 as otherwise provided by law; providing certain  
27 exceptions; amending s. 216.301, F.S.; revising  
28 requirements for continuing unexpended balances  
29 of appropriations for fixed capital outlay;  
30 requiring approval by the Executive Office of  
31 the Governor; authorizing the President of the

1 Senate and the Speaker of the House of  
2 Representatives to provide for the retention of  
3 certain balances from legislative budget  
4 entities; revising the certification forward  
5 process for operating appropriations; amending  
6 s. 218.60, F.S.; deleting an obsolete  
7 provision; amending ss. 252.37 and 265.55,  
8 F.S.; deleting certain references to the  
9 Working Capital Fund, to conform; amending s.  
10 288.7091, F.S.; correcting a cross-reference;  
11 amending s. 320.20, F.S.; providing duties of  
12 the Chief Financial Officer with respect to the  
13 deposit of certain trust fund moneys; amending  
14 s. 337.023, F.S.; correcting a cross-reference;  
15 amending s. 339.135, F.S.; revising  
16 requirements for the tentative work programs  
17 submitted by the Department of Transportation;  
18 specifying procedures by which unexpended  
19 balances in certain appropriations may be  
20 certified forward as fixed capital outlay;  
21 requiring that the Legislative Budget  
22 Commission approve certain extensions of  
23 spending authority; revising requirements for  
24 amending certain work programs; requiring  
25 approval of the Legislative Budget Commission  
26 for certain work program amendments; amending  
27 373.6065, F.S.; correcting a cross-reference;  
28 amending s. 381.0303, F.S.; authorizing the  
29 Department of Health to obtain reimbursement  
30 for special needs shelters from unappropriated  
31 moneys in the General Revenue Fund; amending s.

1 392.69, F.S.; correcting a cross-reference;  
2 amending s. 409.906, F.S.; deleting provisions  
3 authorizing the Department of Children and  
4 Family Services to transfer certain funds in  
5 excess of the amount specified in the General  
6 Appropriations Act; amending s. 409.912, F.S.,  
7 relating to the transfer of certain funds from  
8 the Department of Elderly Affairs to the Agency  
9 for Health Care Administration, to conform;  
10 amending s. 409.16745, F.S.; eliminating  
11 72-hour notification for transfer of budget  
12 authority for the community partnership  
13 matching grant program; amending ss. 468.392  
14 and 475.484, F.S.; deleting provisions  
15 exempting funds in the Auctioneer Recovery Fund  
16 and the Real Estate Recovery Fund from  
17 limitations imposed by an appropriation act;  
18 amending s. 631.141, F.S.; clarifying  
19 provisions requiring the Legislative Budget  
20 Commission to approve certain appropriations;  
21 amending s. 921.001, F.S.; requiring the  
22 Legislature to make certain determinations with  
23 respect to legislation affecting the prison  
24 population; amending s. 943.61, F.S.; deleting  
25 a provision requiring approval by the Governor  
26 and the Legislative Budget Commission for  
27 appropriations to the Capitol Police; amending  
28 s. 1003.03, F.S.; correcting a cross-reference;  
29 amending s. 1009.536, F.S.; deleting duties of  
30 the Workforce Estimating Conference with  
31 respect to certain career education programs;



1           amending s. 1013.512, F.S.; requiring a  
2           recommendation by the Governor before placing  
3           certain school district funds in reserve;  
4           providing for references to the Working Capital  
5           Fund in certain legislation to be replaced with  
6           a reference to the General Revenue Fund;  
7           repealing s. 216.1825, F.S., relating to  
8           zero-based budgeting; repealing s. 216.183,  
9           F.S., relating to entities using  
10          performance-based program budgets; repealing s.  
11          288.1234, F.S., relating to the guaranty of  
12          state obligations and the Olympic Games  
13          Guaranty Account; providing effective dates.

14

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

16

17           Section 1. Subsection (8) of section 14.2015, Florida  
18 Statutes, is amended to read:19           14.2015 Office of Tourism, Trade, and Economic  
20 Development; creation; powers and duties.--21           (8) The Office of Tourism, Trade, and Economic  
22 Development shall ensure that the contract between the Florida  
23 Commission on Tourism and the commission's direct-support  
24 organization contains a provision to provide the data on the  
25 visitor counts and visitor profiles used in revenue  
26 estimating, employing the same methodology used in fiscal year  
27 1995-1996 by the Department of Commerce. The Office of  
28 Tourism, Trade, and Economic Development and the Florida  
29 Commission on Tourism must advise and consult ~~reach agreement~~  
30 with the Consensus Estimating Conference principals before

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1 making any changes in methodology used or information  
2 gathered.

3 Section 2. Paragraph (b) of subsection (5) of section  
4 20.19, Florida Statutes, is amended to read:

5 20.19 Department of Children and Family  
6 Services.--There is created a Department of Children and  
7 Family Services.

8 (5) SERVICE DISTRICTS.--

9 (b)~~1~~. The secretary shall appoint a district  
10 administrator for each of the service districts. The district  
11 administrator shall serve at the pleasure of the secretary and  
12 shall perform such duties as assigned by the secretary.

13 ~~Subject to the approval of the secretary, such duties shall~~  
14 ~~include transferring up to 10 percent of the total district~~  
15 ~~budget, the provisions of ss. 216.292 and 216.351~~  
16 ~~notwithstanding.~~

17 ~~2. For the 2003 2004 fiscal year only, the transfer~~  
18 ~~authority provided in this subsection must be specifically~~  
19 ~~appropriated in the 2003 2004 General Appropriations Act and~~  
20 ~~shall be pursuant to the requirements of s. 216.292. This~~  
21 ~~subparagraph expires July 1, 2004.~~

22 ~~3. For the 2004 2005 fiscal year only, the transfer~~  
23 ~~authority provided in this subsection is available to the~~  
24 ~~department without further restriction other than as contained~~  
25 ~~in this subsection. This subparagraph expires July 1, 2005.~~

26 Section 3. Paragraph (d) of subsection (4) of section  
27 20.316, Florida Statutes, is amended to read:

28 20.316 Department of Juvenile Justice.--There is  
29 created a Department of Juvenile Justice.

30 (4) INFORMATION SYSTEMS.--

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1           (d) The management information system shall, at a  
2 minimum:  
3           1. Facilitate case management of juveniles referred to  
4 or placed in the department's custody.  
5           2. Provide timely access to current data and computing  
6 capacity to support outcome evaluation, legislative oversight,  
7 ~~the Juvenile Justice Estimating Conference,~~ and other  
8 research.  
9           3. Provide automated support to the quality assurance  
10 and program review functions.  
11           4. Provide automated support to the contract  
12 management process.  
13           5. Provide automated support to the facility  
14 operations management process.  
15           6. Provide automated administrative support to  
16 increase efficiency, provide the capability of tracking  
17 expenditures of funds by the department or contracted service  
18 providers that are eligible for federal reimbursement, and  
19 reduce forms and paperwork.  
20           7. Facilitate connectivity, access, and utilization of  
21 information among various state agencies, and other state,  
22 federal, local, and private agencies, organizations, and  
23 institutions.  
24           8. Provide electronic public access to juvenile  
25 justice information, which is not otherwise made confidential  
26 by law or exempt from the provisions of s. 119.07(1).  
27           9. Provide a system for the training of information  
28 system users and user groups.  
29           Section 4. Effective July 1, 2006, section 45.062,  
30 Florida Statutes, is amended to read:  
31

1           45.062 Settlements, conditions, or orders when an  
2 agency of the executive branch is a party.--

3           (1) In any civil action in which a state executive  
4 branch agency or officer is a party in state or federal court,  
5 the officer, agent, official, or attorney who represents or is  
6 acting on behalf of such agency or officer may not settle such  
7 action, consent to any condition, or agree to any order in  
8 connection therewith, if the settlement, condition, or order  
9 requires the expenditure of or the obligation to expend any  
10 state funds or other state resources exceeding \$1 million, the  
11 refund or future loss of state revenues exceeding \$10 million,  
12 or the establishment of any new program, unless:

13           (a) The expenditure is provided for by an existing  
14 appropriation or program established by law. ~~;~~ ~~and~~

15           **(b) At the time settlement negotiations have begun in**  
16 **earnest, written notification is given to the President of the**  
17 **Senate, the Speaker of the House of Representatives, the**  
18 **Senate and House of Representatives minority leaders, the**  
19 **chairs of the appropriations committees of the Legislature,**  
20 **and the Attorney General.**

21           **(c)(b) Prior written notification is given at least**  
22 **within 5 business days, or as soon thereafter as practicable,**  
23 **before** ~~of~~ the date the settlement or presettlement agreement  
24 or order is to be made final to the President of the Senate,  
25 the Speaker of the House of Representatives, the Senate and  
26 **House of Representatives** minority leaders, **the chairs of the**  
27 **appropriations committees of the Legislature,** and the Attorney  
28 General. Such notification shall specify how the agency  
29 involved will address the costs in future years within the  
30 limits of current appropriations.

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1           1. The Division of Risk Management need not give the  
2 notification required by this paragraph when settling any  
3 claim covered by the state self-insurance program for an  
4 amount less than \$250,000.

5           2. The notification specified in this paragraph is not  
6 required if:

7           a. The only settlement obligation of the state  
8 resulting from the claim is to pay court costs in an amount  
9 less than \$10,000;

10           b. Notification would preclude the state's  
11 participation in multistate litigation;

12           c. Notification is precluded by federal law or  
13 regulation; d. Notification is precluded by court rule or  
14 sanction;

15           e. The head of the primary state agency involved in  
16 the litigation certifies to the President of the Senate and  
17 the Speaker of the House of Representatives, in writing within  
18 5 days after the settlement, the specific reasons prior  
19 notification could not be provided;

20           f. Settlement or presettlement negotiations are being  
21 conducted with fewer than all of the opposing parties; or

22           g. The President of the Senate and the Speaker of the  
23 House of Representatives or the chairs of the appropriations  
24 committees of the Legislature, acting in the best interest of  
25 the state, waive notification.

26           (2) The state executive branch agency or officer shall  
27 negotiate a closure date as soon as possible for the civil  
28 action.

29           (3) The state executive branch agency or officer may  
30 not pledge any current or future action of another branch of  
31 state government as a condition for settling the civil action.

1           (4) Any settlement that commits the state to spending  
2 in excess of current appropriations or to policy changes  
3 inconsistent with current state law shall be contingent upon  
4 and subject to legislative appropriation or statutory  
5 amendment. The state agency or officer may agree to use all  
6 efforts to procure legislative funding or statutory amendment.

7           (5) When a state agency or officer settles an action  
8 or legal claim in which the state asserted a right to recover  
9 money, all moneys paid to the state by a party in full or  
10 partial exchange for a release of the state's claim shall be  
11 placed into the General Revenue Fund or the appropriate trust  
12 fund.

13           ~~(6)~~~~(5)~~ State executive branch agencies and officers  
14 shall report to each substantive and fiscal committee of the  
15 Legislature having jurisdiction over the reporting agency on  
16 all potential settlements that may commit the state to:

17           (a) Spend in excess of current appropriations; or

18           (b) Make policy changes inconsistent with current  
19 state law.

20  
21 The state executive branch agency or officer shall provide  
22 periodic updates to the appropriate legislative committees on  
23 these issues during the settlement process.

24           Section 5. Subsection (1) of section 110.1239, Florida  
25 Statutes, is amended to read:

26           110.1239 State group health insurance program  
27 funding.--It is the intent of the Legislature that the state  
28 group health insurance program be managed, administered,  
29 operated, and funded in such a manner as to maximize the  
30 protection of state employee health insurance benefits.  
31 Inherent in this intent is the recognition that the health

1 insurance liabilities attributable to the benefits offered  
2 state employees should be fairly, orderly, and equitably  
3 funded. Accordingly:

4 (1) The division shall determine the level of premiums  
5 necessary to fully fund the state group health insurance  
6 program for the next fiscal year. Such determination shall be  
7 made after each Self-Insurance Estimating Conference as  
8 provided in s. 216.136(9)(11), but not later than December 1  
9 and April 1 of each fiscal year.

10 Section 6. Paragraph (b) of subsection (1) of section  
11 110.1245, Florida Statutes, is amended to read:

12 110.1245 Savings sharing program; bonus payments;  
13 other awards.--

14 (1)

15 (b) Each agency head shall recommend employees  
16 individually or by group to be awarded an amount of money,  
17 which amount shall be directly related to the cost savings  
18 realized. Each proposed award and amount of money must be  
19 approved by the Legislative Budget ~~Budgeting~~ Commission.

20 Section 7. Section 215.32, Florida Statutes, is  
21 amended to read:

22 215.32 State funds; segregation.--

23 (1) All moneys received by the state shall be  
24 deposited in the State Treasury unless specifically provided  
25 otherwise by law and shall be deposited in and accounted for  
26 by the Chief Financial Officer within the following funds,  
27 which funds are hereby created and established:

28 (a) General Revenue Fund.

29 (b) Trust funds.

30 ~~(c) Working Capital Fund.~~

31 (c)~~(d)~~ Budget Stabilization Fund.

1           (2) The source and use of each of these funds shall be  
2 as follows:

3           (a) The General Revenue Fund shall consist of all  
4 moneys received by the state from every source whatsoever,  
5 except as provided in paragraphs (b) and (c). Such moneys  
6 shall be expended pursuant to General Revenue Fund  
7 appropriations acts, ~~or~~ transferred as provided in paragraph  
8 (c), or maintained as unallocated general revenue. Unallocated  
9 general revenue shall be considered the working capital  
10 balance of the state and shall consist of moneys in the  
11 General Revenue Fund that are in excess of the amount needed  
12 to meet General Revenue Fund appropriations for the current  
13 fiscal year. Annually, at least 5 percent of the estimated  
14 increase in General Revenue Fund receipts for the upcoming  
15 fiscal year over the current year General Revenue Fund  
16 effective appropriations shall be appropriated for state level  
17 capital outlay, including infrastructure improvement and  
18 general renovation, maintenance, and repairs.

19           (b)1. The trust funds shall consist of moneys received  
20 by the state which under law or under trust agreement are  
21 segregated for a purpose authorized by law. The state agency  
22 or branch of state government receiving or collecting such  
23 moneys shall be responsible for their proper expenditure as  
24 provided by law. Upon the request of the state agency or  
25 branch of state government responsible for the administration  
26 of the trust fund, the Chief Financial Officer may establish  
27 accounts within the trust fund at a level considered necessary  
28 for proper accountability. Once an account is established  
29 within a trust fund, the Chief Financial Officer may authorize  
30 payment from that account only upon determining that there is  
31 sufficient cash and releases at the level of the account.



1           2. In addition to other trust funds created by law, to  
2 the extent possible, each agency shall use the following trust  
3 funds as described in this subparagraph for day-to-day  
4 operations:

5           a. Operations or operating trust fund, for use as a  
6 depository for funds to be used for program operations funded  
7 by program revenues, with the exception of administrative  
8 activities when the operations or operating trust fund is a  
9 proprietary fund.

10          b. Operations and maintenance trust fund, for use as a  
11 depository for client services funded by third-party payors.

12          c. Administrative trust fund, for use as a depository  
13 for funds to be used for management activities that are  
14 departmental in nature and funded by indirect cost earnings  
15 and assessments against trust funds. Proprietary funds are  
16 excluded from the requirement of using an administrative trust  
17 fund.

18          d. Grants and donations trust fund, for use as a  
19 depository for funds to be used for allowable grant or donor  
20 agreement activities funded by restricted contractual revenue  
21 from private and public nonfederal sources.

22          e. Agency working capital trust fund, for use as a  
23 depository for funds to be used pursuant to s. 216.272.

24          f. Clearing funds trust fund, for use as a depository  
25 for funds to account for collections pending distribution to  
26 lawful recipients.

27          g. Federal grant trust fund, for use as a depository  
28 for funds to be used for allowable grant activities funded by  
29 restricted program revenues from federal sources.

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1 To the extent possible, each agency must adjust its internal  
2 accounting to use existing trust funds consistent with the  
3 requirements of this subparagraph. If an agency does not have  
4 trust funds listed in this subparagraph and cannot make such  
5 adjustment, the agency must recommend the creation of the  
6 necessary trust funds to the Legislature no later than the  
7 next scheduled review of the agency's trust funds pursuant to  
8 s. 215.3206.

9           3. All such moneys are hereby appropriated to be  
10 expended in accordance with the law or trust agreement under  
11 which they were received, subject always to the provisions of  
12 chapter 216 relating to the appropriation of funds and to the  
13 applicable laws relating to the deposit or expenditure of  
14 moneys in the State Treasury.

15           4.a. Notwithstanding any provision of law restricting  
16 the use of trust funds to specific purposes, unappropriated  
17 cash balances from selected trust funds may be authorized by  
18 the Legislature for transfer to the Budget Stabilization Fund  
19 and General Revenue ~~Working Capital~~ Fund in the General  
20 Appropriations Act.

21           b. This subparagraph does not apply to trust funds  
22 required by federal programs or mandates; trust funds  
23 established for bond covenants, indentures, or resolutions  
24 whose revenues are legally pledged by the state or public body  
25 to meet debt service or other financial requirements of any  
26 debt obligations of the state or any public body; the State  
27 Transportation Trust Fund; the trust fund containing the net  
28 annual proceeds from the Florida Education Lotteries; the  
29 Florida Retirement System Trust Fund; trust funds under the  
30 management of the State Board of Education ~~Board of Regents~~,  
31 where such trust funds are for auxiliary enterprises,

1 self-insurance, and contracts, grants, and donations, as those  
2 terms are defined by general law; trust funds that serve as  
3 clearing funds or accounts for the Chief Financial Officer or  
4 state agencies; trust funds that account for assets held by  
5 the state in a trustee capacity as an agent or fiduciary for  
6 individuals, private organizations, or other governmental  
7 units; and other trust funds authorized by the State  
8 Constitution.

9 (c)1. The Budget Stabilization Fund shall consist of  
10 amounts equal to at least 5 percent of net revenue collections  
11 for the General Revenue Fund during the last completed fiscal  
12 year. The Budget Stabilization Fund's principal balance shall  
13 not exceed an amount equal to 10 percent of the last completed  
14 fiscal year's net revenue collections for the General Revenue  
15 Fund. As used in this paragraph, the term "last completed  
16 fiscal year" means the most recently completed fiscal year  
17 prior to the regular legislative session at which the  
18 Legislature considers the General Appropriations Act for the  
19 year in which the transfer to the Budget Stabilization Fund  
20 must be made under this paragraph.

21 2. By September 15 of each year, the Governor shall  
22 authorize the Chief Financial Officer to transfer, and the  
23 Chief Financial Officer shall transfer pursuant to  
24 appropriations made by law, to the Budget Stabilization Fund  
25 the amount of money needed for the balance of that fund to  
26 equal the amount specified in subparagraph 1., less any  
27 amounts expended and not restored. The moneys needed for this  
28 transfer may be appropriated by the Legislature from any  
29 funds.

30 3. Unless otherwise provided in this subparagraph, an  
31 expenditure from the Budget Stabilization Fund must be

1 restored pursuant to a restoration schedule that provides for  
2 making five equal annual transfers from the General Revenue  
3 Fund, beginning in the third fiscal year following that in  
4 which the expenditure was made. For any Budget Stabilization  
5 Fund expenditure, the Legislature may establish by law a  
6 different restoration schedule and such change may be made at  
7 any time during the restoration period. Moneys are hereby  
8 appropriated for transfers pursuant to this subparagraph.

9 4. The Budget Stabilization Fund ~~and the Working~~  
10 ~~Capital Fund~~ may be used as a revolving fund funds for  
11 transfers as provided in s. 215.18 ~~17.61~~; however, any  
12 interest earned must be deposited in the General Revenue Fund.

13 5. The Chief Financial Officer and the Department of  
14 Management Services shall transfer funds to water management  
15 districts to pay eligible water management district employees  
16 for all benefits due under s. 373.6065, as long as funds  
17 remain available for the program described under s. 110.152  
18 ~~100.152~~.

19 ~~(d) The Working Capital Fund shall consist of moneys~~  
20 ~~in the General Revenue Fund which are in excess of the amount~~  
21 ~~needed to meet General Revenue Fund appropriations for the~~  
22 ~~current fiscal year. Each year, no later than the publishing~~  
23 ~~date of the annual financial statements for the state by the~~  
24 ~~Chief Financial Officer under s. 216.102, funds shall be~~  
25 ~~transferred between the Working Capital Fund and the General~~  
26 ~~Revenue Fund to establish the balance of the Working Capital~~  
27 ~~Fund for that fiscal year at the amount determined pursuant to~~  
28 ~~this paragraph.~~

29 Section 8. Paragraphs (a) and (f) of subsection (5) of  
30 section 215.5601, Florida Statutes, are amended to read:

31 215.5601 Lawton Chiles Endowment Fund.--

1           (5) AVAILABILITY OF FUNDS; USES.--

2           (a) Funds from the endowment which are available for  
3 legislative appropriation shall be transferred by the board to  
4 the Department of Financial Services Tobacco Settlement  
5 Clearing Trust Fund, created in s. 17.41, and disbursed in  
6 accordance with the legislative appropriation.

7           1. Appropriations by the Legislature to the Department  
8 of Health from endowment earnings from the principal set aside  
9 for biomedical research shall be from a category called the  
10 James and Esther King Biomedical Research Program and shall be  
11 deposited into the Biomedical Research Trust Fund in the  
12 Department of Health established in s. 20.435.

13           2. Appropriations by the Legislature to the Department  
14 of Children and Family Services, the Department of Health, or  
15 the Department of Elderly Affairs from endowment earnings for  
16 health and human services programs ~~shall be from a category~~  
17 ~~called the Lawton Chiles Endowment Fund Programs~~ and shall be  
18 deposited into each department's respective Tobacco Settlement  
19 Trust Fund as appropriated.

20           ~~(f) When advised by the Revenue Estimating Conference~~  
21 ~~that a deficit will occur with respect to the appropriations~~  
22 ~~from the tobacco settlement trust funds of the state agencies~~  
23 ~~in any fiscal year, the Governor shall develop a plan of~~  
24 ~~action to eliminate the deficit. Before implementing the plan~~  
25 ~~of action, the Governor must comply with s. 216.177(2). In~~  
26 ~~developing the plan of action, the Governor shall, to the~~  
27 ~~extent possible, preserve legislative policy and intent, and,~~  
28 ~~absent any specific directions to the contrary in the General~~  
29 ~~Appropriations Act, any reductions in appropriations from the~~  
30 ~~tobacco settlement trust funds of the state agencies for a~~  
31 ~~fiscal year shall be prorated among the specific~~

1 ~~appropriations made from all tobacco settlement trust funds of~~  
2 ~~the state agencies for that year.~~

3 Section 9. Subsection (3) of section 215.93, Florida  
4 Statutes, is amended to read:

5 215.93 Florida Financial Management Information  
6 System.--

7 (3) The Florida Financial Management Information  
8 System shall include financial management data and utilize the  
9 chart of accounts approved by the Chief Financial Officer.  
10 Common financial management data shall include, but not be  
11 limited to, data codes, titles, and definitions used by one or  
12 more of the functional owner subsystems. The Florida Financial  
13 Management Information System shall utilize common financial  
14 management data codes. The council shall recommend and the  
15 board shall adopt policies regarding the approval and  
16 publication of the financial management data. The Chief  
17 Financial Officer shall adopt policies regarding the approval  
18 and publication of the chart of accounts. The Chief Financial  
19 Officer's chart of accounts shall be consistent with the  
20 common financial management data codes established by the  
21 coordinating council. Further, all systems not a part of the  
22 Florida Financial Management Information System which provide  
23 information to the system shall use the common data codes from  
24 the Florida Financial Management Information System and the  
25 Chief Financial Officer's chart of accounts. Data codes that  
26 cannot be supplied by the Florida Financial Management  
27 Information System and the Chief Financial Officer's chart of  
28 accounts and that are required for use by the information  
29 subsystems shall be approved by the board upon recommendation  
30 of the coordinating council. ~~However, board approval shall not~~  
31

1 ~~be required for those data codes specified by the Auditor~~  
2 ~~General under the provisions of s. 215.94(6)(c).~~

3 Section 10. Subsection (6) of section 215.94, Florida  
4 Statutes, is amended to read:

5 215.94 Designation, duties, and responsibilities of  
6 functional owners.--

7 (6)(a) Consistent with the provisions of s. 215.86,  
8 the respective functional owner of each information subsystem  
9 shall be responsible for ensuring ~~The Auditor General shall be~~  
10 ~~advised by the functional owner of each information subsystem~~  
11 ~~as to the date that the development or significant~~  
12 ~~modification of its functional system specifications is to~~  
13 ~~begin.~~

14 ~~(b) Upon such notification, the Auditor General shall~~  
15 ~~participate with each functional owner to the extent necessary~~  
16 ~~to provide assurance that:~~

17 1. The accounting information produced by the  
18 information subsystem adheres to generally accepted accounting  
19 principles.

20 2. The information subsystem contains the necessary  
21 controls to maintain its integrity, within acceptable limits  
22 and at an acceptable cost.

23 3. The information subsystem is auditable.

24 ~~(b)(c)~~ The Auditor General shall be advised by the  
25 functional owner of each information subsystem as to the date  
26 that the development or significant modification of its  
27 functional system specifications is to begin. The Auditor  
28 General shall provide technical advice, as allowed by  
29 professional auditing standards, on specific issues relating  
30 to the design, implementation, and operation of each  
31 information subsystem ~~specify those additional features,~~

1 ~~characteristics, controls, and internal control measures~~  
2 ~~deemed necessary to carry out the provisions of this~~  
3 ~~subsection. Further, it shall be the responsibility of each~~  
4 ~~functional owner to ensure installation and incorporation of~~  
5 ~~such specified features, characteristics, controls, and~~  
6 ~~internal control measures within each information subsystem.~~

7 Section 11. Section 215.97, Florida Statutes, is  
8 amended to read:

9 215.97 Florida Single Audit Act.--

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

11 (a) Establish uniform state audit requirements for  
12 state financial assistance provided by state agencies to  
13 nonstate entities to carry out state projects.

14 (b) Promote sound financial management, including  
15 effective internal controls, with respect to state financial  
16 assistance administered by nonstate entities.

17 (c) Promote audit economy and efficiency by relying to  
18 the extent possible on already required audits of federal  
19 financial assistance provided to nonstate entities.

20 (d) Provide for identification of state financial  
21 assistance transactions in the appropriations act, state  
22 accounting records, and recipient organization records.

23 (e) Promote improved coordination and cooperation  
24 within and between affected state agencies providing state  
25 financial assistance and nonstate entities receiving state  
26 assistance.

27 (f) Ensure, to the maximum extent possible, that state  
28 agencies monitor, use, and followup on audits of state  
29 financial assistance provided to nonstate entities.

30 (2) Definitions; as used in this section, the term:  
31



1           (a) "Audit threshold" means the threshold amount used  
2 to determine to use in determining when a state single audit  
3 or project-specific audit of a nonstate entity shall be  
4 conducted in accordance with this section. Each nonstate  
5 entity that expends a total amount of state financial  
6 assistance equal to or in excess of ~~\$500,000~~\$300,000 in any  
7 fiscal year of such nonstate entity shall be required to have  
8 a state single audit, or a project-specific audit, for such  
9 fiscal year in accordance with the requirements of this  
10 section. Every 2 years the Auditor General, after consulting  
11 with the Executive Office of the Governor, the Department of  
12 Financial Services ~~Chief Financial Officer~~, and all state  
13 awarding agencies ~~that provide state financial assistance to~~  
14 ~~nonstate entities~~, shall review the threshold amount for  
15 requiring audits under this section and may adjust such  
16 threshold ~~dollar~~ amount consistent with the purposes ~~purpose~~  
17 of this section.

18           (b) "Auditing standards" means the auditing standards  
19 as stated in the rules of the Auditor General as applicable to  
20 for-profit organizations, nonprofit organizations, or local  
21 governmental entities.

22           (c) "Catalog of State Financial Assistance" means a  
23 comprehensive listing of state projects. The Catalog of State  
24 Financial Assistance shall be issued by the Department of  
25 Financial Services ~~Executive Office of the Governor~~ after  
26 conferring with the Executive Office of the Governor ~~Chief~~  
27 ~~Financial Officer~~ and all state awarding agencies ~~that provide~~  
28 ~~state financial assistance to nonstate entities~~. The Catalog  
29 of State Financial Assistance shall include for each listed  
30 state project: the responsible state awarding agency; standard  
31 state project number identifier; official title; legal

1 authorization; and description of the state project, including  
2 objectives, restrictions, application and awarding procedures,  
3 and other relevant information determined necessary.

4 (d) "Coordinating agency" means the state awarding  
5 agency that provides the predominant amount of state financial  
6 assistance expended by a recipient, as determined by the  
7 recipient's Schedule of Expenditures of State Financial  
8 Assistance. To provide continuity, the determination of the  
9 predominant amount of state financial assistance shall be  
10 based upon state financial assistance expended in the  
11 recipient's fiscal years ending in 2006, 2009, and 2012, and  
12 every third year thereafter.

13 (e)(d) "Financial reporting package" means the  
14 nonstate entities' financial statements, Schedule of  
15 Expenditures of State Financial Assistance, auditor's reports,  
16 management letter, auditee's written responses or corrective  
17 action plan, correspondence on followup of prior years'  
18 corrective actions taken, and such other information  
19 determined by the Auditor General to be necessary and  
20 consistent with the purposes of this section.

21 (f)(e) "Federal financial assistance" means financial  
22 assistance from federal sources passed through the state and  
23 provided to nonstate organizations ~~entities~~ to carry out a  
24 federal program. "Federal financial assistance" includes all  
25 types of federal assistance as defined in applicable United  
26 States Office of Management and Budget circulars.

27 (g)(f) "For-profit organization" means any  
28 organization or sole proprietor that ~~but~~ is not a ~~local~~  
29 governmental entity or a nonprofit organization.

30 (h)(g) "Independent auditor" means an independent  
31 ~~external state or local government auditor or a certified~~

1 public accountant licensed under chapter 473 ~~who meets the~~  
2 ~~independence standards.~~

3 ~~(i)(h)~~ "Internal control over state projects" means a  
4 process, effected by a nonstate ~~an~~ entity's management and  
5 other personnel, designed to provide reasonable assurance  
6 regarding the achievement of objectives in the following  
7 categories:

- 8 1. Effectiveness and efficiency of operations.
- 9 2. Reliability of financial operations.
- 10 3. Compliance with applicable laws and regulations.

11 ~~(j)(i)~~ "Local governmental entity" means a county as a  
12 whole ~~agency~~, municipality, or special district or any other  
13 entity ~~excluding~~ ~~(other than~~ a district school board, charter  
14 school, ~~or~~ community college~~),~~ or public university, however  
15 styled, which independently exercises any type of governmental  
16 function within the state.

17 ~~(k)(j)~~ "Major state project" means any state project  
18 meeting the criteria as stated in the rules of the Department  
19 of Financial Services ~~Executive Office of the Governor~~. Such  
20 criteria shall be established after consultation with all ~~the~~  
21 ~~Chief Financial Officer and appropriate~~ state awarding  
22 agencies ~~that provide state financial assistance~~ and shall  
23 consider the amount of state project expenditures and ~~or~~  
24 expenses or inherent risks. Each major state project shall be  
25 audited in accordance with the requirements of this section.

26 ~~(l)(k)~~ "Nonprofit organization" means any corporation,  
27 trust, association, cooperative, or other organization that:

- 28 1. Is operated primarily for scientific, educational  
29 service, charitable, or similar purpose in the public  
30 interest.~~;~~
- 31 2. Is not organized primarily for profit.~~;~~

1           3. Uses net proceeds to maintain, improve, or expand  
2 the operations of the organization. ~~;~~ ~~and~~

3           4. Has no part of its income or profit distributable  
4 to its members, directors, or officers.

5           ~~(m)(l)~~ "Nonstate entity" means a local governmental  
6 entity, nonprofit organization, or for-profit organization  
7 that receives state financial assistance ~~resources~~.

8           ~~(n)(m)~~ "Recipient" means a nonstate entity that  
9 receives state financial assistance directly from a state  
10 awarding agency.

11           ~~(o)(n)~~ "Schedule of Expenditures of State Financial  
12 Assistance" means a document prepared in accordance with the  
13 rules of the Department of Financial Services ~~Chief Financial~~  
14 ~~Officer~~ and included in each financial reporting package  
15 required by this section.

16           ~~(p)(o)~~ "State awarding agency" means a the state  
17 agency, as defined in s. 216.011, that is primarily  
18 responsible for the operations and outcomes of a state  
19 project, regardless of the state agency that actually provides  
20 ~~provided~~ state financial assistance to a the nonstate entity.

21           ~~(q)(p)~~ "State financial assistance" means ~~financial~~  
22 ~~assistance from~~ state resources, not including federal  
23 financial assistance and state matching on federal programs,  
24 provided to a nonstate entity ~~entities~~ to carry out a state  
25 project. "State financial assistance" includes the all types  
26 of state resources ~~assistance as~~ stated in the rules of the  
27 Department of Financial Services ~~Executive Office of the~~  
28 ~~Governor~~ established in consultation with all the Chief  
29 ~~Financial Officer~~ and appropriate state awarding agencies ~~that~~  
30 ~~provide state financial assistance. It includes~~ State  
31 financial assistance may be provided directly by state

1 awarding agencies or indirectly by nonstate entities  
2 ~~recipients of state awards or subrecipients.~~ "State financial  
3 assistance" ~~It~~ does not include procurement contracts used to  
4 buy goods or services from vendors and. ~~Audits of such~~  
5 ~~procurement contracts with vendors are outside of the scope of~~  
6 ~~this section. Also, audits of~~ contracts to operate state-owned  
7 ~~state government owned~~ and contractor-operated facilities ~~are~~  
8 ~~excluded from the audit requirements of this section.~~

9 (r)(q) "State matching" means state resources provided  
10 to a nonstate entity ~~entities to be used~~ to meet federal  
11 financial participation matching requirements ~~of federal~~  
12 ~~programs.~~

13 (s) "State program" means a set of special-purpose  
14 activities undertaken to realize identifiable goals and  
15 objectives in order to achieve a state agency's mission and  
16 legislative intent requiring accountability for state  
17 resources.

18 (t)(r) "State project" means a state program that  
19 provides ~~all~~ state financial assistance to a nonstate  
20 organization and that must be ~~entity~~ assigned a ~~single~~ state  
21 project number identifier in the Catalog of State Financial  
22 Assistance.

23 (u)(s) "State Projects Compliance Supplement" means a  
24 document issued by the Department of Financial Services  
25 ~~Executive Office of the Governor~~, in consultation with ~~the~~  
26 ~~Chief Financial Officer and~~ all state awarding agencies ~~that~~  
27 ~~provide state financial assistance.~~ The State Projects  
28 Compliance Supplement shall identify state projects, the  
29 significant compliance requirements, eligibility requirements,  
30 matching requirements, suggested audit procedures, and other  
31 relevant information determined necessary.

1           ~~(v)(t)~~ "State project-specific audit" means an audit  
2 of one state project performed in accordance with the  
3 requirements of subsection~~(10)(9)~~.

4           ~~(w)(u)~~ "State single audit" means an audit of a  
5 nonstate entity's financial statements and state financial  
6 assistance. Such audits shall be conducted in accordance with  
7 the auditing standards as stated in the rules of the Auditor  
8 General.

9           ~~(x)(v)~~ "Subrecipient" means a nonstate entity that  
10 receives state financial assistance through another nonstate  
11 entity.

12           ~~(y)(w)~~ "Vendor" means a dealer, distributor, merchant,  
13 or other seller providing goods or services that are required  
14 for the conduct of a state project. These goods or services  
15 may be for an organization's own use or for the use of  
16 beneficiaries of the state project.

17           (3) The Executive Office of the Governor is  
18 responsible for notifying the Department of Financial Services  
19 of any actions during the budgetary process that impact the  
20 Catalog of State Financial Assistance. shall:

21           ~~(a) Upon conferring with the Chief Financial Officer~~  
22 ~~and all state awarding agencies, adopt rules necessary to~~  
23 ~~provide appropriate guidance to state awarding agencies,~~  
24 ~~recipients and subrecipients, and independent auditors of~~  
25 ~~state financial assistance relating to the requirements of~~  
26 ~~this section, including:~~

27           ~~1. The types or classes of financial assistance~~  
28 ~~considered to be state financial assistance which would be~~  
29 ~~subject to the requirements of this section. This would~~  
30 ~~include guidance to assist in identifying when the state~~  
31

1 ~~agency or recipient has contracted with a vendor rather than~~  
2 ~~with a recipient or subrecipient.~~  
3       ~~2. The criteria for identifying a major state project.~~  
4       ~~3. The criteria for selecting state projects for~~  
5 ~~audits based on inherent risk.~~  
6       ~~(b) Be responsible for coordinating the initial~~  
7 ~~preparation and subsequent revisions of the Catalog of State~~  
8 ~~Financial Assistance after consultation with the Chief~~  
9 ~~Financial Officer and all state awarding agencies.~~  
10       ~~(c) Be responsible for coordinating the initial~~  
11 ~~preparation and subsequent revisions of the State Projects~~  
12 ~~Compliance Supplement, after consultation with the Chief~~  
13 ~~Financial Officer and all state awarding agencies.~~  
14       (4) The Department of Financial Services Chief  
15 Financial Officer shall:  
16       (a) Upon conferring with the Executive Office of the  
17 Governor and all state awarding agencies, adopt rules  
18 necessary to provide appropriate guidance to state awarding  
19 agencies, nonstate entities, and independent auditors of state  
20 financial assistance relating to the requirements of this  
21 section, including:  
22       1. The types or classes of state resources considered  
23 to be state financial assistance that would be subject to the  
24 requirements of this section. This would include guidance to  
25 assist in identifying when the state awarding agency or a  
26 nonstate entity has contracted with a vendor rather than with  
27 a recipient or subrecipient.  
28       2. The criteria for identifying a major state project.  
29       3. The criteria for selecting state projects for  
30 audits based on inherent risk.  
31

1           (b) Be responsible for coordinating revisions to the  
2 Catalog of State Financial Assistance after consultation with  
3 the Executive Office of the Governor and all state awarding  
4 agencies.

5           (c) Be responsible for coordinating with the Executive  
6 Office of the Governor actions affecting the budgetary process  
7 under paragraph (b).

8           (d) Be responsible for coordinating revisions to the  
9 State Projects Compliance Supplement, after consultation with  
10 the Executive Office of the Governor and all state awarding  
11 agencies.

12           ~~(e)(a)~~ Make enhancements to the state's accounting  
13 system to provide for the:

14           1. Recording of state financial assistance and federal  
15 financial assistance appropriations and expenditures within  
16 the state awarding agencies' operating funds.

17           2. Recording of state project number identifiers, as  
18 provided in the Catalog of State Financial Assistance, for  
19 state financial assistance.

20           3. Establishment and recording of an identification  
21 code for each financial transaction, including awarding state  
22 agencies' disbursements of state financial assistance and  
23 federal financial assistance, as to the corresponding type or  
24 organization that is party to the transaction (e.g., other  
25 governmental agencies, nonprofit organizations, and for-profit  
26 organizations), and disbursements of federal financial  
27 assistance, as to whether the party to the transaction is or  
28 is not a nonstate entity ~~recipient or subrecipient~~.

29           ~~(f)(b)~~ Upon conferring with the Executive Office of  
30 the Governor and all state awarding agencies, adopt rules  
31 necessary to provide appropriate guidance to state awarding



1 agencies, nonstate entities ~~recipients and subrecipients~~, and  
2 independent auditors of state financial assistance relating to  
3 the format for the Schedule of Expenditures of State Financial  
4 Assistance.

5 ~~(g)(e)~~ Perform any inspections, reviews,  
6 investigations, or audits of state financial assistance  
7 considered necessary in carrying out the Department of  
8 Financial Services' ~~Chief Financial Officer's~~ legal  
9 responsibilities for state financial assistance or to comply  
10 with the requirements of this section.

11 (5) Each state awarding agency shall:

12 (a) Provide to each ~~a~~ recipient information needed by  
13 the recipient to comply with the requirements of this section,  
14 including:

15 1. The audit and accountability requirements for state  
16 projects as stated in this section and applicable ~~rules of the~~  
17 ~~Executive Office of the Governor~~, rules of the Department of  
18 Financial Services ~~Chief Financial Officer~~, and rules of the  
19 Auditor General.

20 2. Information from the Catalog of State Financial  
21 Assistance, including the standard state project number  
22 identifier; official title; legal authorization; and  
23 description of the state project including objectives,  
24 restrictions, and other relevant information determined  
25 necessary.

26 3. Information from the State Projects Compliance  
27 Supplement, including the significant compliance requirements,  
28 eligibility requirements, matching requirements, suggested  
29 audit procedures, and other relevant information determined  
30 necessary.

31

1 (b) Require the recipient, as a condition of receiving  
2 state financial assistance, to allow the state awarding  
3 agency, the Department of Financial Services ~~Chief Financial~~  
4 ~~Officer~~, and the Auditor General access to the recipient's  
5 records and the recipient's independent auditor's working  
6 papers as necessary for complying with the requirements of  
7 this section.

8 (c) Notify the recipient that this section does not  
9 limit the authority of the state awarding agency to conduct or  
10 arrange for the conduct of additional audits or evaluations of  
11 state financial assistance or limit the authority of any state  
12 awarding agency inspector general, the Auditor General, or any  
13 other state official.

14 (d) Be provided one copy of each financial reporting  
15 package prepared in accordance with the requirement of this  
16 section.

17 (e) Review the recipient's ~~recipient~~ financial  
18 reporting package, including the management letters and  
19 corrective action plans, to the extent necessary to determine  
20 whether timely and appropriate corrective action has been  
21 taken with respect to audit findings and recommendations  
22 pertaining to state financial assistance that are specific to  
23 ~~provided by~~ the state awarding agency.

24 (f) Designate within the state awarding agency an  
25 organizational unit that will be responsible for reviewing  
26 financial reporting packages pursuant to paragraph (e).

27  
28 If the state awarding agency is not the coordinating agency as  
29 defined in paragraph (2)(d), the state awarding agency's  
30 designated organizational unit shall communicate to the  
31 coordinating agency the state awarding agency's approval of

1 the recipient's corrective action plan with respect to  
2 findings and recommendations that are not specific to the  
3 state awarding agency.

4 (6) Each coordinating agency shall:

5 (a) Review the recipient's financial reporting  
6 package, including the management letter and corrective action  
7 plan, to identify audit findings and recommendations that  
8 affect state financial assistance that are not specific to a  
9 particular state awarding agency.

10 (b) For any findings and recommendations identified  
11 pursuant to paragraph (a):

12 1. Determine whether timely and appropriate corrective  
13 action has been taken.

14 2. Promptly inform the state awarding agency, as  
15 provided in paragraph (5)(f), of actions taken by the  
16 recipient to comply with the approved corrective action plan.

17 (c) Maintain records of followup actions taken for the  
18 use of any succeeding coordinating agency.

19 (7)(6) As a condition of receiving state financial  
20 assistance, each nonstate entity recipient that provides state  
21 financial assistance to a subrecipient shall:

22 (a) Provide to each a subrecipient information needed  
23 by the subrecipient to comply with the requirements of this  
24 section, including:

25 1. Identification of the state awarding agency.

26 2. The audit and accountability requirements for state  
27 projects as stated in this section and applicable ~~rules of the~~  
28 ~~Executive Office of the Governor,~~ rules of the Department of  
29 Financial Services ~~Chief Financial Officer,~~ and rules of the  
30 Auditor General.

31

1           3. Information from the Catalog of State Financial  
2 Assistance, including the standard state project number  
3 identifier; official title; legal authorization; and  
4 description of the state project, including objectives,  
5 restrictions, and other relevant information.

6           4. Information from the State Projects Compliance  
7 Supplement including the significant compliance requirements,  
8 eligibility requirements, matching requirements, and suggested  
9 audit procedures, and other relevant information determined  
10 necessary.

11           (b) Review the financial reporting package of the  
12 subrecipient ~~audit reports~~, including the management letter  
13 and corrective action plan letters, to the extent necessary to  
14 determine whether timely and appropriate corrective action has  
15 been taken with respect to audit findings and recommendations  
16 pertaining to state financial assistance provided by ~~a the~~  
17 state awarding agency or nonstate entity .

18           (c) Perform any such other procedures ~~as~~ specified in  
19 terms and conditions of the written agreement with the state  
20 awarding agency or nonstate entity, including any required  
21 monitoring of the subrecipient's use of state financial  
22 assistance through onsite visits, limited scope audits, or  
23 other specified procedures.

24           (d) Require subrecipients, as a condition of receiving  
25 state financial assistance, to permit the independent auditor  
26 of the nonstate entity recipient, the state awarding agency,  
27 the Department of Financial Services ~~Chief Financial Officer~~,  
28 and the Auditor General access to the subrecipient's records  
29 and the subrecipient's independent auditor's working papers as  
30 necessary to comply with the requirements of this section.

31

1           ~~(8)(7)~~ Each recipient or subrecipient of state  
2 financial assistance shall comply with the following:

3           (a) Each nonstate entity that ~~receives state financial~~  
4 ~~assistance and~~ meets the audit threshold requirements, in any  
5 fiscal year of the nonstate entity, ~~as~~ stated in the rules of  
6 the Auditor General, shall have a state single audit conducted  
7 for such fiscal year in accordance with the requirements of  
8 this act and with additional requirements established in ~~rules~~  
9 ~~of the Executive Office of the Governor,~~ rules of the  
10 Department of Financial Services Chief Financial Officer, and  
11 rules of the Auditor General. If only one state project is  
12 involved in a nonstate entity's fiscal year, the nonstate  
13 entity may elect to have only a state project-specific audit  
14 ~~of the state project for that fiscal year.~~

15           (b) Each nonstate entity that ~~receives state financial~~  
16 ~~assistance and~~ does not meet the audit threshold requirements,  
17 in any fiscal year of the nonstate entity, ~~as~~ stated in this  
18 law or the rules of the Auditor General is exempt for such  
19 fiscal year from the state single audit requirements of this  
20 section. However, such nonstate entity must meet terms and  
21 conditions specified in the written agreement with the state  
22 awarding agency or nonstate entity.

23           (c) If a nonstate entity has extremely limited or no  
24 required activities related to the administration of a state  
25 project, and only acts as a conduit of state financial  
26 assistance, none of the requirements of this section apply to  
27 the conduit nonstate entity. However, the nonstate entity that  
28 is provided state financial assistance by the conduit nonstate  
29 entity is subject to the requirements of this section.

30           ~~(d)(e)~~ Regardless of the amount of the state financial  
31 assistance, ~~the provisions of this section does de~~ not exempt

1 a nonstate entity from compliance with provisions of law  
2 relating to maintaining records concerning state financial  
3 assistance to such nonstate entity or allowing access and  
4 examination of those records by the state awarding agency, the  
5 nonstate entity, the Department of Financial Services Chief  
6 Financial Officer, or the Auditor General.

7 ~~(e)(d)~~ Audits conducted pursuant to this section shall  
8 be performed annually.

9 ~~(f)(e)~~ Audits conducted pursuant to this section shall  
10 be conducted by independent auditors in accordance with  
11 auditing standards ~~as~~ stated in rules of the Auditor General.

12 ~~(g)(f)~~ Upon completion of the audit ~~as~~ required by  
13 this section, a copy of the recipient's financial reporting  
14 package shall be filed with the state awarding agency and the  
15 Auditor General. Upon completion of the audit ~~as~~ required by  
16 this section, a copy of the subrecipient's financial reporting  
17 package shall be filed with the nonstate entity recipient that  
18 provided the state financial assistance and the Auditor  
19 General. The financial reporting package shall be filed in  
20 accordance with the rules of the Auditor General.

21 ~~(h)(g)~~ All financial reporting packages prepared  
22 pursuant to ~~the requirements of~~ this section shall be  
23 available for public inspection.

24 ~~(i)(h)~~ If an audit conducted pursuant to this section  
25 discloses any significant audit findings relating to state  
26 financial assistance, including material noncompliance with  
27 individual state project compliance requirements or reportable  
28 conditions in internal controls of the nonstate entity, the  
29 nonstate entity shall submit as part of the financial  
30 reporting audit package to the state awarding agency or  
31 nonstate entity a plan for corrective action to eliminate such

1 | audit findings or a statement describing the reasons that  
2 | corrective action is not necessary.

3 |       ~~(j)(i)~~ An audit conducted in accordance with this  
4 | section is in addition to any audit of federal awards required  
5 | by the federal Single Audit Act and other federal laws and  
6 | regulations. To the extent that such federally required audits  
7 | provide the state awarding agency or nonstate entity with  
8 | information it requires to carry out its responsibilities  
9 | under state law or other guidance, the ~~a~~ state awarding agency  
10 | or nonstate entity shall rely upon and use that information.

11 |       ~~(k)(j)~~ Unless prohibited by law, the costs ~~cost~~ of  
12 | audits pursuant to this section are ~~is~~ allowable charges to  
13 | state projects. However, any charges to state projects should  
14 | be limited to those incremental costs incurred as a result of  
15 | the audit requirements of this section in relation to other  
16 | audit requirements. The nonstate entity should allocate such  
17 | incremental costs to all state projects for which it expended  
18 | state financial assistance.

19 |       ~~(l)(k)~~ Audit costs may not be charged to state  
20 | projects when audits required by this section have not been  
21 | made or have been made but not in accordance with this  
22 | section. If a nonstate entity fails to have an audit conducted  
23 | consistent with this section, a state awarding agency or  
24 | nonstate entity ~~agencies~~ may take appropriate corrective  
25 | action to enforce compliance.

26 |       ~~(m)(l)~~ This section does not prohibit the state  
27 | awarding agency or nonstate entity from including terms and  
28 | conditions in the written agreement which require additional  
29 | assurances that state financial assistance meets the  
30 | applicable requirements of laws, regulations, and other  
31 | compliance rules.

1           ~~(n)(m)~~ A state awarding agency or nonstate entity  
2 that ~~provides state financial assistance to nonstate entities~~  
3 ~~and~~ conducts or arranges for audits of state financial  
4 assistance that are in addition to the audits conducted under  
5 this act, including audits of nonstate entities that do not  
6 meet the audit threshold requirements, shall, consistent with  
7 other applicable law, arrange for funding the full cost of  
8 such additional audits.

9           ~~(9)(8)~~ The independent auditor when conducting a state  
10 single audit of a nonstate entity ~~recipients or subrecipients~~  
11 shall:

12           (a) Determine whether the nonstate entity's financial  
13 statements are presented fairly in all material respects in  
14 conformity with generally accepted accounting principles.

15           (b) Determine whether state financial assistance shown  
16 on the Schedule of Expenditures of State Financial Assistance  
17 is presented fairly in all material respects in relation to  
18 the nonstate entity's financial statements taken as a whole.

19           (c) With respect to internal controls pertaining to  
20 each major state project:

21               1. Obtain an understanding of internal controls.+  
22               2. Assess control risk.+  
23               3. Perform tests of controls unless the controls are  
24 deemed to be ineffective.+ ~~and~~

25               4. Determine whether the nonstate entity has internal  
26 controls in place to provide reasonable assurance of  
27 compliance with the provisions of laws and rules pertaining to  
28 state financial assistance that have a material effect on each  
29 major state project.

30           (d) Determine whether each major state project  
31 complied with the provisions of laws, rules, and guidelines as



1 identified in the State Projects Compliance Supplement, or  
2 otherwise identified by the state awarding agency, which have  
3 a material effect on each major state project. When major  
4 state projects are less than 50 percent of the nonstate  
5 entity's total expenditures for all state financial  
6 assistance, the auditor shall select and test additional state  
7 projects as major state projects as necessary to achieve audit  
8 coverage of at least 50 percent of the expenditures for all  
9 state financial assistance provided to the nonstate entity.  
10 Additional state projects needed to meet the 50-percent  
11 requirement may be selected on an inherent risk basis as  
12 stated in the rules of the Department of Financial Services  
13 ~~Executive Office of the Governor~~.

14 (e) Report on the results of any audit conducted  
15 pursuant to this section in accordance with the ~~rules of the~~  
16 ~~Executive Office of the Governor~~, rules of the Department of  
17 Financial Services ~~Chief Financial Officer~~, and rules of the  
18 Auditor General. Financial reporting packages shall ~~Audit~~  
19 ~~reports shall~~ include summaries of the auditor's results  
20 regarding the nonstate entity's financial statements; Schedule  
21 of Expenditures of State Financial Assistance; internal  
22 controls; and compliance with laws, rules, and guidelines.

23 (f) Issue a management letter as prescribed in the  
24 rules of the Auditor General.

25 (g) Upon notification by the nonstate entity, make  
26 available the working papers relating to the audit conducted  
27 pursuant to ~~the requirements of~~ this section to the state  
28 awarding agency, the Department of Financial Services ~~Chief~~  
29 ~~Financial Officer~~, or the Auditor General for review or  
30 copying.

31

1           ~~(10)(9)~~ The independent auditor, when conducting a  
2 state project-specific audit of a nonstate entity recipients  
3 ~~or subrecipients~~, shall:

4           (a) Determine whether the nonstate entity's schedule  
5 of Expenditure of State Financial Assistance is presented  
6 fairly in all material respects in conformity with stated  
7 accounting policies.

8           (b) Obtain an understanding of internal controls  
9 ~~control~~ and perform tests of internal controls ~~control~~ over  
10 the state project consistent with the requirements of a major  
11 state project.

12           (c) Determine whether or not the auditee has complied  
13 with applicable provisions of laws, rules, and guidelines ~~as~~  
14 identified in the State Projects Compliance Supplement, or  
15 otherwise identified by the state awarding agency, which could  
16 have a direct and material effect on the state project.

17           (d) Report on the results of the ~~a~~ state  
18 project-specific audit consistent with the requirements of the  
19 state single audit and issue a management letter as prescribed  
20 in the rules of the Auditor General.

21           (e) Upon notification by the nonstate entity, make  
22 available the working papers relating to the audit conducted  
23 pursuant to ~~the requirements of~~ this section to the state  
24 awarding agency, the Department of Financial Services Chief  
25 ~~Financial Officer~~, or the Auditor General for review or  
26 copying.

27           ~~(11)(10)~~ The Auditor General shall:

28           (a) Have the authority to audit state financial  
29 assistance provided to any nonstate entity when determined  
30 necessary by the Auditor General or when directed by the  
31 Legislative Auditing Committee.

1 (b) Adopt rules that state the auditing standards that  
2 independent auditors are to follow for audits of nonstate  
3 entities required by this section.

4 (c) Adopt rules that describe the contents and the  
5 filing deadlines for the financial reporting package.

6 (d) Provide technical advice upon request of the  
7 Department of Financial Services Chief Financial Officer,  
8 ~~Executive Office of the Governor,~~ and state awarding agencies  
9 relating to financial reporting and audit responsibilities  
10 contained in this section.

11 (e) Be provided one copy of each financial reporting  
12 package prepared in accordance with ~~the requirements of~~ this  
13 section.

14 (f) Perform ongoing reviews of a sample of financial  
15 reporting packages filed pursuant to ~~the requirements of~~ this  
16 section to determine compliance with the reporting  
17 requirements of this section and applicable ~~rules of the~~  
18 ~~Executive Office of the Governor,~~ rules of the Department of  
19 Financial Services Chief Financial Officer, and rules of the  
20 Auditor General.

21 Section 12. Paragraphs (a), (b), (gg), (hh), and (jj)  
22 of subsection (1) of section 216.011, Florida Statutes, are  
23 amended, paragraphs (rr) and (ss) are added to said  
24 subsection, and paragraph (c) is added to subsection (3) of  
25 said section, to read:

26 216.011 Definitions.--

27 (1) For the purpose of fiscal affairs of the state,  
28 appropriations acts, legislative budgets, and approved  
29 budgets, each of the following terms has the meaning  
30 indicated:

31

1 (a) "Annual salary rate" means the monetary  
2 compensation authorized to be paid a position on an annualized  
3 basis. The term does not include moneys authorized for  
4 benefits associated with the position. ~~In calculating salary~~  
5 ~~rate, a vacant position shall be calculated at the minimum of~~  
6 ~~the pay grade for that position.~~

7 (b) "Appropriation" means a legal authorization to  
8 make expenditures for specific purposes within the amounts  
9 authorized by law in the appropriations act.

10 (gg) "Mandatory reserve" means the reduction of an  
11 appropriation by the Governor or the Legislative Budget  
12 Commission due to an anticipated deficit in a fund, pursuant  
13 to s. 216.221. Action may not be taken to restore a mandatory  
14 reserve either directly or indirectly. ~~"Performance based~~  
15 ~~program appropriation" means the appropriation category used~~  
16 ~~to fund a specific set of activities or classification of~~  
17 ~~expenditure within an approved performance based program.~~

18 (hh) "Budget reserve" means the withholding, as  
19 authorized by the Legislature, of an appropriation, or portion  
20 thereof. The need for a budget reserve may exist until certain  
21 conditions set by the Legislature are met by the affected  
22 agency, or such need may exist due to financial or program  
23 changes that have occurred since, and were unforeseen at the  
24 time of, passage of the General Appropriations Act.

25 ~~"Performance based program budget" means a budget that~~  
26 ~~incorporates approved programs and performance measures.~~

27 (jj) "Program" means a set of services and activities  
28 undertaken in accordance with a plan of action organized to  
29 realize identifiable goals and objectives based on legislative  
30 authorization.

31

1           (rr) "Activity" means a unit of work that has  
2 identifiable starting and ending points, consumes resources,  
3 and produces outputs.

4           (ss) "Qualified expenditure category" means the  
5 appropriations category used to fund specific activities and  
6 projects which must be transferred to one or more  
7 appropriation categories for expenditure upon recommendation  
8 by the Governor or Chief Justice, as appropriate, and subject  
9 to approval by the Legislative Budget Commission.

10           (3) For purposes of this chapter, the term:

11           (c) "Statutorily authorized entity" means any entity  
12 primarily acting as an instrumentality of the state, any  
13 regulatory or governing body, or any other governmental or  
14 quasi-governmental organization that receives, disburses,  
15 expends, administers, awards, recommends expenditure of,  
16 handles, manages, or has custody or control of funds  
17 appropriated by the Legislature and:

18           1. Is created, organized, or specifically authorized  
19 to be created or established by general law; or

20           2. Assists a department, as defined in s. 20.03(2), or  
21 other unit of state government in providing programs or  
22 services on a statewide basis with a statewide service area or  
23 population.

24           Section 13. Effective July 1, 2006, paragraph (n) of  
25 subsection (1) of section 216.011, Florida Statutes, is  
26 amended to read:

27           216.011 Definitions.--

28           (1) For the purpose of fiscal affairs of the state,  
29 appropriations acts, legislative budgets, and approved  
30 budgets, each of the following terms has the meaning  
31 indicated:

1 (n) "Expense" means the appropriation category used to  
2 fund the usual, ordinary, and incidental expenditures by an  
3 agency or the judicial branch, including such items as  
4 ~~contractual services~~, commodities, ~~and~~ supplies of a  
5 consumable nature, current obligations, and fixed charges, and  
6 excluding expenditures classified as operating capital outlay.  
7 Payments to other funds or local, state, or federal agencies  
8 may be included in this category.

9 Section 14. Section 216.013, Florida Statutes, is  
10 amended to read:

11 216.013 Long-range program plan.--

12 ~~(1)~~ State agencies and the judicial branch shall  
13 develop long-range program plans to achieve state goals using  
14 an interagency planning process that includes the development  
15 of integrated agency program service outcomes. The plans shall  
16 be policy based, priority driven, accountable, and developed  
17 through careful examination and justification of all agency  
18 and judicial branch programs. The plan shall cover a period of  
19 5 fiscal years and shall become effective July 1 each year.

20 (1) Long-range program plans shall provide the  
21 framework for the development of ~~agency~~ budget requests and  
22 shall identify or update:

23 (a) The mission of the agency or judicial branch.

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

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

26 (d) The trends and conditions relevant to the mission,  
27 goals, and objectives.

28 ~~(e)(a) Identify agency programs and address how agency~~  
29 The agency or judicial branch programs that will be used to  
30 implement state policy and achieve state goals and ~~program~~  
31 ~~component objectives.~~

1           (f) The program outcomes and standards to measure  
2 progress toward program objectives.

3           ~~(b) Identify and describe agency functions and how~~  
4 ~~they will be used to achieve designated outcomes;~~

5           ~~(c) Identify demand, output, total costs, and unit~~  
6 ~~costs for each function;~~

7           (g)(d) Provide Information regarding performance  
8 measurement, which includes, but is not limited to, how data  
9 is collected, the methodology used to measure a performance  
10 indicator, the validity and reliability of a measure, the  
11 appropriateness of a measure, and whether, in the case of  
12 agencies, the agency inspector general has assessed the  
13 reliability and validity of agency performance measures,  
14 pursuant to s. 20.055(2).~~;~~

15           ~~(e) Identify and justify facility and fixed capital~~  
16 ~~outlay projects and their associated costs; and~~

17           ~~(f) Identify and justify information technology~~  
18 ~~infrastructure and applications and their associated costs for~~  
19 ~~information technology projects or initiatives.~~

20           ~~(2) All agency functions and their costs shall be~~  
21 ~~carefully evaluated and justified by the agency. The~~  
22 ~~justification must clearly demonstrate the needs of agency~~  
23 ~~customers and clients and why the agency is proposing~~  
24 ~~functions and their associated costs to address the needs~~  
25 ~~based on state priorities, the agency mission, and legislative~~  
26 ~~authorization. Further, the justification must show how agency~~  
27 ~~functions are integrated and contribute to the overall~~  
28 ~~achievement of state goals. Facilities, fixed capital outlay~~  
29 ~~and information technology infrastructure, and applications~~  
30 ~~shall be evaluated pursuant to ss. 216.0158, 216.043, and~~  
31 ~~216.0446, respectively.~~

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

4           (3) Long-range program plans or revisions shall be  
5 presented by state agencies and the judicial branch in a form,  
6 manner, and timeframe prescribed in written instructions  
7 prepared by ~~submitted to~~ the Executive Office of the Governor  
8 in consultation with ~~by August 1 of each year in a form and~~  
9 ~~manner prescribed by the Executive Office of the Governor and~~  
10 the chairs of the legislative appropriations committees. ~~Such~~  
11 ~~long range program plans for the Judicial Branch shall be~~  
12 ~~submitted by the Chief Justice of the Supreme Court to the~~  
13 ~~President of the Senate and the Speaker of the House of~~  
14 ~~Representatives, and a copy shall be provided to the Executive~~  
15 ~~Office of the Governor.~~

16           ~~(4) The Executive Office of the Governor shall review~~  
17 ~~the long range program plans for executive agencies to ensure~~  
18 ~~that they are consistent with the state's goals and objectives~~  
19 ~~and other requirements as specified in the written~~  
20 ~~instructions and that they provide the framework and context~~  
21 ~~for the agency's budget request.~~

22           ~~(5) Executive agencies shall incorporate all revisions~~  
23 ~~required by the Governor within 14 working days.~~

24           ~~(6) Any differences between executive agencies~~  
25 ~~regarding the programs, policies, or long range program plans~~  
26 ~~of such agencies shall be mediated by the Executive Office of~~  
27 ~~the Governor.~~

28           (4)(7) Each state executive agency and the judicial  
29 branch shall post their long-range program plan on their  
30 Internet website ~~transmit copies of its long range program~~  
31 ~~plan and all written comments on its plan to the President of~~



1 ~~the Senate and the Speaker of the House of Representatives not~~  
2 ~~later than September 30th of each year, and provide written~~  
3 ~~notice to the Governor and the Legislature that the plans have~~  
4 ~~been posted 60 days prior to the next regular session of the~~  
5 ~~Legislature.~~

6 ~~(8) Long range program plans developed pursuant to~~  
7 ~~this chapter are not rules and therefore are not subject to~~  
8 ~~the provisions of chapter 120.~~

9 ~~(5)(9) Following the adoption of the annual General~~  
10 ~~Appropriations Act, the state agencies and the judicial branch~~  
11 ~~shall make appropriate adjustments to their long-range program~~  
12 ~~plans to be consistent with the appropriations and performance~~  
13 ~~measures in the General Appropriations Act and legislation~~  
14 ~~implementing the General Appropriations Act. Agencies and the~~  
15 ~~judicial branch have until June 30 15 to make adjustments to~~  
16 ~~their plans as posted on their Internet websites and submit~~  
17 ~~the adjusted plans to the Executive Office of the Governor for~~  
18 ~~review.~~

19 ~~(6) Long-range program plans developed pursuant to~~  
20 ~~this chapter are not rules and therefore are not subject to~~  
21 ~~the provisions of chapter 120.~~

22 Section 15. Section 216.023, Florida Statutes, is  
23 amended to read:

24 216.023 Legislative budget requests to be furnished to  
25 Legislature by agencies.--

26 (1) The head of each state agency, except as provided  
27 in subsection (2), shall submit a final legislative budget  
28 request to the Legislature and to the Governor, as chief  
29 budget officer of the state, in the form and manner prescribed  
30 in the budget instructions and at such time as specified by  
31 the Executive Office of the Governor, based on the agency's

1 independent judgment of its needs. However, ~~a no~~ state agency  
2 ~~may not shall~~ submit its complete legislative budget request,  
3 including all supporting forms and schedules required by this  
4 chapter, later than ~~October~~ September 15 of each year unless  
5 an alternative date is agreed to be in the best interest of  
6 the state by the Governor and the chairs of the legislative  
7 appropriations committees.

8 (2) The judicial branch and the Division of  
9 Administrative Hearings shall submit their complete  
10 legislative budget requests directly to the Legislature with a  
11 copy to the Governor, as chief budget officer of the state, in  
12 the form and manner as prescribed in the budget instructions.  
13 However, the complete legislative budget requests, including  
14 all supporting forms and schedules required by this chapter,  
15 shall be submitted no later than ~~October~~ September 15 of each  
16 year unless an alternative date is agreed to be in the best  
17 interest of the state by the Governor and the chairs of the  
18 legislative appropriations committees.

19 (3) The Executive Office of the Governor and the  
20 appropriations committees of the Legislature shall jointly  
21 develop legislative budget instructions for preparing the  
22 exhibits and schedules that make up the agency budget from  
23 which each agency and the judicial branch shall prepare their  
24 budget request. The budget instructions shall be consistent  
25 with s. 216.141 and shall be transmitted to each agency and to  
26 the judicial branch no later than ~~July~~ June 15 of each year  
27 unless an alternative date is agreed to be in the best  
28 interest of the state by the Governor and the chairs of the  
29 legislative appropriations committees. In the event that  
30 agreement cannot be reached between the Executive Office of  
31 the Governor and the appropriations committees of the

1 Legislature regarding legislative budget instructions, the  
2 issue shall be resolved by the Governor, the President of the  
3 Senate, and the Speaker of the House of Representatives.

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

6 1. The constitutional or statutory authority for a  
7 program, a brief purpose statement, and approved program  
8 components.

9 2. Information on expenditures for 3 fiscal years  
10 (actual prior-year expenditures, current-year estimated  
11 expenditures, and agency budget requested expenditures for the  
12 next fiscal year) by appropriation category.

13 3. Details on trust funds and fees.

14 4. The total number of positions (authorized, fixed,  
15 and requested).

16 5. An issue narrative describing and justifying  
17 changes in amounts and positions requested for current and  
18 proposed programs for the next fiscal year.

19 6. Information resource requests.

20 7. Legislatively approved output and outcome  
21 performance measures and any proposed revisions to measures.

22 8. Proposed performance standards for each performance  
23 measure and justification for the standards and the sources of  
24 data to be used for measurement.

25 9. Prior-year performance data on approved performance  
26 measures and an explanation of deviation from expected  
27 performance. Performance data must be assessed for reliability  
28 in accordance with s. 20.055.

29 10. Proposed performance incentives and disincentives.

30 11. Supporting information, including applicable  
31 cost-benefit analyses, business case analyses, performance

1 contracting procedures, service comparisons, and impacts on  
2 performance standards for any request to outsource or  
3 privatize agency functions.

4 12. An evaluation of any major outsourcing and  
5 privatization initiatives undertaken during the last 5 fiscal  
6 years having aggregate expenditures exceeding \$10 million  
7 during the term of the contract. The evaluation shall include  
8 an assessment of contractor performance, a comparison of  
9 anticipated service levels to actual service levels, and a  
10 comparison of estimated savings to actual savings achieved.  
11 Consolidated reports issued by the Department of Management  
12 Services may be used to satisfy this requirement.

13 (b) It is the intent of the Legislature that total  
14 accountability measures, including unit-cost data, serve not  
15 only as a budgeting tool but also as a policymaking tool and  
16 an accountability tool. Therefore, each state agency and the  
17 judicial branch must submit a one-page summary of information  
18 for the preceding year in accordance with the legislative  
19 budget instructions. Each one-page summary must contain:

20 1. The final budget for the agency and the judicial  
21 branch.

22 2. Total funds from the General Appropriations Act.

23 3. Adjustments to the General Appropriations Act.

24 4. The line-item listings of all activities.

25 5. The number of activity units performed or  
26 accomplished.

27 6. Total expenditures for each activity, including  
28 amounts paid to contractors and subordinate entities.

29 Expenditures related to administrative activities not aligned  
30 with output measures must consistently be allocated to  
31 activities with output measures prior to computing unit costs.

1           7. The cost per unit for each activity, including the  
2 costs allocated to contractors and subordinate entities.

3           8. The total amount of reversions and pass-through  
4 expenditures omitted from unit-cost calculations.

5  
6 At the regular session immediately following the submission of  
7 the agency unit cost summary, the Legislature shall reduce in  
8 the General Appropriations Act for the ensuing fiscal year, by  
9 an amount equal to at least 10 percent of the allocation for  
10 the fiscal year preceding the current fiscal year, the funding  
11 of each state agency that fails to submit the report required  
12 under this paragraph.

13           ~~(5) At the time specified in the legislative budget~~  
14 ~~instructions and in sufficient time to be included in the~~  
15 ~~Governor's recommended budget, the judicial branch is required~~  
16 ~~to submit a performance based program budget request. The~~  
17 ~~Chief Justice of the Supreme Court shall identify and, after~~  
18 ~~consultation with the Office of Program Policy Analysis and~~  
19 ~~Government Accountability, submit to the President of the~~  
20 ~~Senate and the Speaker of the House of Representatives a list~~  
21 ~~of proposed programs and associated performance measures. The~~  
22 ~~judicial branch shall provide documentation to accompany the~~  
23 ~~list of proposed programs and performance measures as provided~~  
24 ~~under subsection (4). The judicial branch shall submit a~~  
25 ~~performance based program agency budget request using the~~  
26 ~~programs and performance measures adopted by the Legislature.~~  
27 ~~The Chief Justice may propose revisions to approved programs~~  
28 ~~or performance measures for the judicial branch. The~~  
29 ~~Legislature shall have final approval of all programs and~~  
30 ~~associated performance measures and standards for the judicial~~  
31 ~~branch through the General Appropriations Act or legislation~~

1 ~~implementing the General Appropriations Act. By September 15,~~  
2 ~~2001, the Chief Justice of the Supreme Court shall submit to~~  
3 ~~the President of the Senate and the Speaker of the House of~~  
4 ~~Representatives a performance based program budget request for~~  
5 ~~programs of the judicial branch approved by the Legislature~~  
6 ~~and provide a copy to the Executive Office of the Governor.~~

7       ~~(5)(6)~~ Agencies must maintain a comprehensive  
8 performance accountability system and provide a list of  
9 performance measures maintained by the agency which are in  
10 addition to the measures approved by the Legislature.

11       ~~(6)(7)~~ Annually, by June 30, executive agencies shall  
12 submit to the Executive Office of the Governor adjustments to  
13 their performance standards based on the amounts appropriated  
14 for each program by the Legislature. When such an adjustment  
15 is made, all performance standards, including any adjustments  
16 made, shall be reviewed and revised as necessary by the  
17 Executive Office of the Governor and, upon approval, submitted  
18 to the Legislature pursuant to the review and approval process  
19 provided in s. 216.177. The Senate and the House of  
20 Representatives appropriations committees ~~Senate Committee on~~  
21 ~~Fiscal Policy and the House of Representatives Fiscal~~  
22 ~~Responsibility Council~~ shall advise Senate substantive  
23 committees and House of Representatives substantive  
24 committees, respectively, of all adjustments made to  
25 performance standards or measures. The Executive Office of the  
26 Governor shall maintain ~~both~~ the official record of  
27 adjustments to the performance standards ~~as part of the~~  
28 ~~agency's approved operating budget and the official~~  
29 ~~performance ledger~~. As used in this section, the term  
30 "official record" ~~performance ledger~~ means the official  
31 compilation of information about state agency

1 performance-based programs and measures, including approved  
2 programs, approved outputs and outcomes, baseline data,  
3 approved standards for each performance measure and any  
4 approved adjustments thereto, as well as actual agency  
5 performance for each measure.

6 ~~(7)(8)~~ As a part of the legislative budget request,  
7 the head of each state agency and the Chief Justice of the  
8 Supreme Court for the judicial branch shall include an  
9 inventory of all litigation in which the agency is involved  
10 that may require additional appropriations to the agency, that  
11 may significantly affect revenues received or anticipated to  
12 be received by the state, or that may require ~~or~~ amendments to  
13 the law under which the agency operates. No later than March 1  
14 following the submission of the legislative budget request,  
15 the head of the state agency and the Chief Justice of the  
16 Supreme Court shall provide an update of any additions or  
17 changes to the inventory. Such inventory shall include  
18 information specified annually in the legislative budget  
19 instructions and, within the discretion of the head of the  
20 state agency or the Chief Justice of the Supreme Court, may  
21 contain only information found in the pleadings.

22 ~~(8)(9)~~ Annually, by June 30, the judicial branch shall  
23 make adjustments to any performance standards for approved  
24 programs based on the amount appropriated for each program,  
25 which shall be submitted to the Legislature pursuant to the  
26 notice and review process provided in s. 216.177. The Senate  
27 and the House of Representatives appropriations committees  
28 ~~Senate Committee on Fiscal Policy and the House Fiscal~~  
29 ~~Responsibility Council~~ shall advise Senate substantive  
30 committees and House substantive committees, respectively, of  
31 all adjustments made to performance standards or measures.

1           ~~(9)~~~~(10)~~ The Executive Office of the Governor shall  
2 review the legislative budget request for technical compliance  
3 with the budget format provided for in the budget  
4 instructions. The Executive Office of the Governor shall  
5 notify the agency or the judicial branch of any adjustment  
6 required. The agency or judicial branch shall make the  
7 appropriate corrections as requested. If the appropriate  
8 technical corrections are not made as requested, the Executive  
9 Office of the Governor shall adjust the budget request to  
10 incorporate the appropriate technical corrections in the  
11 format of the request.

12           ~~(10)~~~~(11)~~ At any time after the Governor submits his or  
13 her ~~and the Chief Justice submit their~~ recommended budget  
14 ~~budgets~~ to the Legislature, the head of the agency or judicial  
15 branch may amend his or her request by transmitting to the  
16 Governor and the Legislature an amended request in the form  
17 and manner prescribed in the legislative budget instructions.

18           ~~(11)~~~~(12)~~ The legislative budget request from each  
19 agency and from the judicial branch shall be reviewed by the  
20 Legislature. The review may allow for the opportunity to have  
21 information or testimony by the agency, the judicial branch,  
22 the Auditor General, the Office of Program Policy Analysis and  
23 Government Accountability, the Governor's Office of Planning  
24 and Budgeting, and the public regarding the proper level of  
25 funding for the agency in order to carry out its mission.

26           ~~(12)~~~~(13)~~ In order to ensure an integrated state  
27 planning and budgeting process, the agency long-range plan  
28 should be reviewed by the Legislature.

29           Section 16. Section 216.031, Florida Statutes, is  
30 amended to read:

31



1           216.031 Target budget request.--Either chair of a  
2 legislative appropriations committee, or the Executive Office  
3 of the Governor for state agencies, may require the agency or  
4 the Chief Justice to address major issues separate from those  
5 outlined in s. 216.023, this section, and s. 216.043 for  
6 inclusion in the requests of the agency or of the judicial  
7 branch. The issues shall be submitted to the agency no later  
8 than July 30 of each year and shall be displayed in its  
9 requests as provided in the budget instructions. The Executive  
10 Office of the Governor may request an agency, or the chair of  
11 ~~an the~~ appropriations committee ~~committees~~ of the Senate or  
12 the House of Representatives may request any agency or the  
13 judicial branch, to submit ~~no later than September 30 of each~~  
14 ~~year~~ a budget plan with respect to targets established by the  
15 Governor or either chair. The target budget shall require each  
16 entity to establish an order of priorities for its budget  
17 issues and may include requests for multiple options for the  
18 budget issues. ~~The target budget may also require each entity~~  
19 ~~to submit a program budget or a performance based budget in~~  
20 ~~the format prescribed by the Executive Office of the Governor~~  
21 ~~or either chair; provided, however,~~ The target budget format  
22 shall be compatible with the planning and budgeting system  
23 requirements set out in s. 216.141. Such a request shall not  
24 influence the agencies' or judicial branch's independent  
25 judgment in making legislative budget requests, as required by  
26 law.

27           Section 17. Section 216.052, Florida Statutes, is  
28 amended to read:

29           216.052 Community budget requests; appropriations+  
30 ~~grants~~.--

31

1           (1) A local, county, or regional governmental entity,  
2 private organization, or nonprofit organization may submit a  
3 request for a state appropriation for a program, service, or  
4 capital outlay initiative that is local or regional in scope,  
5 is intended to meet a documented need, addresses a statewide  
6 interest, is intended to produce measurable results, and has  
7 tangible community support to members of the Legislature, a  
8 state agency, or the Governor.

9           ~~(2) Each appropriation to a local government, a  
10 private organization, or a nonprofit organization made  
11 pursuant to a community budget request shall require that the  
12 community's support be tangibly demonstrated by evidence that  
13 the program or service will operate in a financially sound  
14 manner. Any appropriation to a local government, a private  
15 organization, or a nonprofit organization made pursuant to  
16 this section should require local matching funds. The match  
17 must be based on the size and scope of the project and the  
18 applicant's ability to provide the match. In addition, the  
19 granting of state funds shall be used to encourage the  
20 establishment of community based partnerships between the  
21 public sector and the private sector.~~

22           ~~(3) Each community budget request submitted pursuant  
23 to this section must receive a hearing before a body of duly  
24 elected public officials before being submitted for  
25 consideration.~~

26           (2)(4) For requests submitted to members of the  
27 Legislature, community budget requests shall be submitted in  
28 the form and manner prescribed jointly by the President of the  
29 Senate and the Speaker of the House of Representatives. If the  
30 President of the Senate and the Speaker of the House of  
31 Representatives do not agree on a form and manner of

1 submission to be used by both houses, each may prescribe a  
2 form and manner of submission to be used in his or her house.

3 (3)~~(5)~~ Community budget requests shall be submitted to  
4 the chairs of the legislative appropriations committees in  
5 accordance with the schedule established jointly by the  
6 President of the Senate and the Speaker of the House of  
7 Representatives. If the President of the Senate and the  
8 Speaker of the House of Representatives do not agree on a  
9 schedule to be used by both houses, each may prescribe a  
10 schedule to be used in his or her house.

11 (4)~~(6)~~ The Executive Office of the Governor shall  
12 prescribe the form and manner of submission of requests to  
13 state agencies and to the Governor.

14 (5)~~(7)~~ The retention of interest earned on state funds  
15 or the amount of interest income earned shall be applied  
16 against the state entity's obligation to pay the appropriated  
17 amount.

18 ~~(8) Whenever possible, a loan must be made in lieu of~~  
19 ~~a grant to a local government, a private organization, or a~~  
20 ~~nonprofit organization. It is the intent of the Legislature~~  
21 ~~that a revolving loan program shall be established so that the~~  
22 ~~loan amount plus interest is paid back by the recipient to the~~  
23 ~~state.~~

24 ~~(9) Any private or nonprofit organization that is to~~  
25 ~~receive funds through a community budget request shall, at the~~  
26 ~~time of application for such funds, provide information~~  
27 ~~regarding its organization, including a copy of its current~~  
28 ~~budget, a list of its board of directors, and, if available, a~~  
29 ~~copy of its most recent annual audit report prepared by an~~  
30 ~~independent certified public accountant licensed in this~~

31

1 ~~state, including management letters or other documents~~  
2 ~~associated with the audit report.~~

3 Section 18. Subsection (5) of section 216.053, Florida  
4 Statutes, is amended to read:

5 216.053 Summary Information in the General  
6 Appropriations Act; construction of such information.--

7 ~~(5) For programs operating under performance based~~  
8 ~~program budgets, the General Appropriations Act shall contain~~  
9 ~~summary information that covers specific appropriations and~~  
10 ~~summarizes programs and performance.~~

11 Section 19. Section 216.065, Florida Statutes, is  
12 amended to read:

13 216.065 Fiscal impact statements on actions affecting  
14 the budget.--In addition to the applicable requirements of  
15 chapter 120, before the Governor, or Governor and Cabinet as a  
16 body, performing any constitutional or statutory duty, or  
17 before any state agency or statutorily authorized entity takes  
18 ~~take~~ any final action that will affect revenues, directly  
19 require a request for an increased or new appropriation in the  
20 following fiscal year, ~~or that will~~ transfer current year  
21 funds, ~~it they~~ shall first provide the legislative  
22 appropriations committees with a fiscal impact statement that  
23 details the effects of such action on the budget. The fiscal  
24 impact statement must specify the estimated budget and revenue  
25 impacts for the current year and the 2 subsequent fiscal years  
26 at the same level of detail required to support a legislative  
27 budget request, including amounts by appropriation category  
28 and fund.

29 Section 20. Subsection (3) is added to section  
30 216.081, Florida Statutes, to read:

31

1           216.081 Data on legislative and judicial branch  
2 expenses.--

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

8           Section 21. Subsection (1) of section 216.133, Florida  
9 Statutes, is amended to read:

10           216.133 Definitions; ss. 216.133-216.137.--As used in  
11 ss. 216.133-216.137:

12           (1) "Consensus estimating conference" includes the  
13 Economic Estimating Conference, the Demographic Estimating  
14 Conference, the Revenue Estimating Conference, the Education  
15 Estimating Conference, the Criminal Justice Estimating  
16 Conference, ~~the Juvenile Justice Estimating Conference, the~~  
17 ~~Child Welfare System Estimating Conference,~~ the Occupational  
18 Forecasting Conference, the Early Learning Programs Estimating  
19 Conference, the Self-Insurance Estimating Conference, the  
20 Florida Retirement System Actuarial Assumption Conference, and  
21 the Social Services Estimating Conference.

22           Section 22. Subsections (4) and (5) of section  
23 216.134, Florida Statutes, are amended to read:

24           216.134 Consensus estimating conferences; general  
25 provisions.--

26           (4) Consensus estimating conferences are within the  
27 legislative branch. The membership of each consensus  
28 estimating conference consists of principals and participants.

29           (a) A person designated by law as a principal may  
30 preside over conference sessions, convene conference sessions,  
31 request information, specify topics to be included on the

1 conference agenda, agree or withhold agreement on whether  
2 information is to be official information of the conference,  
3 release official information of the conference, interpret  
4 official information of the conference, and monitor errors in  
5 official information of the conference.

6 (b) A participant is any person who is invited to  
7 participate in the consensus estimating conference by a  
8 principal. A participant shall, at the request of any  
9 principal before or during any session of the conference,  
10 develop alternative forecasts, collect and supply data,  
11 perform analyses, or provide other information needed by the  
12 conference. The conference shall consider information provided  
13 by participants in developing its official information.

14 (5) All sessions and meetings of a consensus  
15 estimating conference shall be open to the public ~~as provided~~  
16 ~~in chapter 286. The President of the Senate and the Speaker of~~  
17 ~~the House of Representatives, jointly, shall be the sole judge~~  
18 ~~for the interpretation, implementation, and enforcement of~~  
19 ~~this subsection.~~

20 Section 23. Subsections (7) through (12) of section  
21 216.136, Florida Statutes, are amended to read:

22 216.136 Consensus Estimating Conferences; duties and  
23 principals.--

24 ~~(7) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.—~~

25 ~~(a) Duties. The Child Welfare System Estimating~~  
26 ~~Conference shall develop such official information relating to~~  
27 ~~the child welfare system of the state, including forecasts of~~  
28 ~~child welfare caseloads, as the conference determines is~~  
29 ~~needed for the state planning and budgeting system. Such~~  
30 ~~official information may include, but is not limited to:~~

31

1           ~~1. Estimates and projections of the number of initial~~  
2 ~~and additional reports of child abuse, abandonment, or neglect~~  
3 ~~made to the central abuse hotline maintained by the Department~~  
4 ~~of Children and Family Services as established in s.~~  
5 ~~39.201(4). Projections may take into account other factors~~  
6 ~~that may influence the number of future reports to the abuse~~  
7 ~~hotline.~~

8           ~~2. Estimates and projections of the number of children~~  
9 ~~who are alleged to be victims of child abuse, abandonment, or~~  
10 ~~neglect and are in need of emergency shelter, foster care,~~  
11 ~~residential group care, adoptive services, or other~~  
12 ~~appropriate care.~~

13  
14 ~~In addition, the conference shall develop other official~~  
15 ~~information relating to the child welfare system of the state~~  
16 ~~which the conference determines is needed for the state~~  
17 ~~planning and budgeting system. The Department of Children and~~  
18 ~~Family Services shall provide information on the child welfare~~  
19 ~~system requested by the Child Welfare System Estimating~~  
20 ~~Conference, or individual conference principals, in a timely~~  
21 ~~manner.~~

22           ~~(b) Principals. The Executive Office of the Governor,~~  
23 ~~the coordinator of the Office of Economic and Demographic~~  
24 ~~Research, and professional staff who have forecasting~~  
25 ~~expertise from the Department of Children and Family Services,~~  
26 ~~the Senate, and the House of Representatives, or their~~  
27 ~~designees, are the principals of the Child Welfare System~~  
28 ~~Estimating Conference. The principal representing the~~  
29 ~~Executive Office of the Governor shall preside over sessions~~  
30 ~~of the conference.~~

31           ~~(8) JUVENILE JUSTICE ESTIMATING CONFERENCE.~~

1           ~~(a) Duties. The Juvenile Justice Estimating~~  
2 ~~Conference shall develop such official information relating to~~  
3 ~~the juvenile justice system of the state as is determined by~~  
4 ~~the conference principals to be needed for the state planning~~  
5 ~~and budgeting system. This information shall include, but is~~  
6 ~~not limited to: estimates of juvenile delinquency caseloads~~  
7 ~~and workloads; estimates for secure, nonsecure, and home~~  
8 ~~juvenile detention placements; estimates of workloads in the~~  
9 ~~juvenile sections in the offices of the state attorneys and~~  
10 ~~public defenders; estimates of mental health and substance~~  
11 ~~abuse treatment relating to juveniles; and such other~~  
12 ~~information as is determined by the conference principals to~~  
13 ~~be needed for the state planning and budgeting system.~~

14           ~~(b) Principals. The Executive Office of the Governor,~~  
15 ~~the Office of Economic and Demographic Research, and~~  
16 ~~professional staff who have forecasting expertise from the~~  
17 ~~Department of Juvenile Justice, the Department of Children and~~  
18 ~~Family Services Substance Abuse and Mental Health Program~~  
19 ~~Offices, the Department of Law Enforcement, the Senate~~  
20 ~~Appropriations Committee staff, the House of Representatives~~  
21 ~~Appropriations Committee staff, or their designees, are the~~  
22 ~~principals of the Juvenile Justice Estimating Conference. The~~  
23 ~~responsibility of presiding over sessions of the conference~~  
24 ~~shall be rotated among the principals. To facilitate policy~~  
25 ~~and legislative recommendations, the conference may call upon~~  
26 ~~the appropriate legislative staff.~~

27           ~~(7)(9) WORKFORCE ESTIMATING CONFERENCE.--~~

28           ~~(a) Duties.--~~

29           ~~1. The Workforce Estimating Conference shall develop~~  
30 ~~such official information on the workforce development system~~  
31 ~~planning process as it relates to the personnel needs of~~



1 current, new, and emerging industries as the conference  
2 determines is needed by the state planning and budgeting  
3 system. Such information, using quantitative and qualitative  
4 research methods, must include at least: short-term and  
5 long-term forecasts of employment demand for jobs by  
6 occupation and industry; entry and average wage forecasts  
7 among those occupations; and estimates of the supply of  
8 trained and qualified individuals available or potentially  
9 available for employment in those occupations, with special  
10 focus upon those occupations and industries which require high  
11 skills and have high entry wages and experienced wage levels.  
12 In the development of workforce estimates, the conference  
13 shall use, to the fullest extent possible, local occupational  
14 and workforce forecasts and estimates.

15         2. The Workforce Estimating Conference shall review  
16 data concerning the local and regional demands for short-term  
17 and long-term employment in High-Skills/High-Wage Program  
18 jobs, as well as other jobs, which data is generated through  
19 surveys conducted as part of the state's Internet-based job  
20 matching and labor market information system authorized under  
21 s. 445.011. The conference shall consider such data in  
22 developing its forecasts for statewide employment demand,  
23 including reviewing the local and regional data for common  
24 trends and conditions among localities or regions which may  
25 warrant inclusion of a particular occupation on the statewide  
26 occupational forecasting list developed by the conference.  
27 Based upon its review of such survey data, the conference  
28 shall also make recommendations semiannually to Workforce  
29 Florida, Inc., on additions or deletions to lists of locally  
30 targeted occupations approved by Workforce Florida, Inc.

31

1           3. During each legislative session, and at other times  
2 if necessary, the Workforce Estimating Conference shall meet  
3 as the Workforce Impact Conference for the purpose of  
4 determining the effects of legislation related to the state's  
5 workforce and economic development efforts introduced prior to  
6 and during such legislative session. In addition to the  
7 designated principals of the impact conference, nonprincipal  
8 participants of the impact conference shall include a  
9 representative of the Florida Chamber of Commerce and other  
10 interested parties. The impact conference shall use both  
11 quantitative and qualitative research methods to determine the  
12 impact of introduced legislation related to workforce and  
13 economic development issues.

14           4. Notwithstanding subparagraph 3., the Workforce  
15 Estimating Conference, for the purposes described in  
16 subparagraph 1., shall meet no less than 2 times in a calendar  
17 year. The first meeting shall be held in February and the  
18 second meeting shall be held in August. Other meetings may be  
19 scheduled as needed.

20           (b) Principals.--The Commissioner of Education, the  
21 Executive Office of the Governor, the director of the Office  
22 of Tourism, Trade, and Economic Development, the director of  
23 the Agency for Workforce Innovation, the executive director of  
24 the Commission for Independent Education, the Chancellor of  
25 the State University System, the chair of Workforce Florida,  
26 Inc., the coordinator of the Office of Economic and  
27 Demographic Research, or their designees, and professional  
28 staff from the Senate and the House of Representatives who  
29 have forecasting and substantive expertise, are the principals  
30 of the Workforce Estimating Conference. In addition to the  
31 designated principals of the conference, nonprincipal

1 participants of the conference shall include a representative  
2 of the Florida Chamber of Commerce and other interested  
3 parties. The principal representing the Executive Office of  
4 the Governor shall preside over the sessions of the  
5 conference.

6 (8)~~(10)~~ EARLY LEARNING PROGRAMS ESTIMATING  
7 CONFERENCE.--

8 (a) Duties.--

9 1. The Early Learning Programs Estimating Conference  
10 shall develop estimates and forecasts of the unduplicated  
11 count of children eligible for school readiness programs in  
12 accordance with the standards of eligibility established in s.  
13 411.01(6), and of children eligible for the Voluntary  
14 Prekindergarten Education Program in accordance with s.  
15 1002.53(2), as the conference determines are needed to support  
16 the state planning, budgeting, and appropriations processes.

17 2. The Agency for Workforce Innovation shall provide  
18 information on needs and waiting lists for school readiness  
19 programs, and information on the needs for the Voluntary  
20 Prekindergarten Education Program, as requested by the Early  
21 Learning Programs Estimating Conference or individual  
22 conference principals in a timely manner.

23 (b) Principals.--The Executive Office of the Governor,  
24 the Director of Economic and Demographic Research, and  
25 professional staff who have forecasting expertise from the  
26 Agency for Workforce Innovation, the Department of Children  
27 and Family Services, the Department of Education, the Senate,  
28 and the House of Representatives, or their designees, are the  
29 principals of the Early Learning Programs Estimating  
30 Conference. The principal representing the Executive Office of  
31 the Governor shall preside over sessions of the conference.

1           ~~(9)(11)~~ SELF-INSURANCE ESTIMATING CONFERENCE.--

2           (a) Duties.--The Self-Insurance Estimating Conference  
3 shall develop such official information on self-insurance  
4 related issues as the conference determines is needed by the  
5 state planning and budgeting system.

6           (b) Principals.--The Executive Office of the Governor,  
7 the coordinator of the Office of Economic and Demographic  
8 Research, and professional staff ~~directors of the committees~~  
9 of the Senate and the House of Representatives who have  
10 forecasting and substantive experience ~~which have primary~~  
11 ~~responsibility for legislation dealing with taxation~~, or their  
12 designees, are the principals of the Self-Insurance Estimating  
13 Conference. The responsibility of presiding over sessions of  
14 the conference shall be rotated among the principals.

15           ~~(10)(12)~~ FLORIDA RETIREMENT SYSTEM ACTUARIAL  
16 ASSUMPTION CONFERENCE.--

17           (a) Duties.--The Florida Retirement System Actuarial  
18 Assumption Conference shall develop official information with  
19 respect to the economic and noneconomic assumptions and  
20 funding methods of the Florida Retirement System necessary to  
21 perform the system actuarial study undertaken pursuant to s.  
22 121.031(3). Such information shall include: an analysis of the  
23 actuarial assumptions and actuarial methods used in the study  
24 and a determination of whether changes to the assumptions or  
25 methods need to be made due to experience changes or revised  
26 future forecasts.

27           (b) Principals.--The Executive Office of the Governor,  
28 the coordinator of the Office of Economic and Demographic  
29 Research, and professional staff of the Senate and House of  
30 Representatives who have forecasting and substantive  
31 expertise, or their designees, are the principals of the

1 Florida Retirement System Actuarial Assumption Conference. The  
2 Executive Office of the Governor shall have the responsibility  
3 of presiding over the sessions of the conference. The State  
4 Board of Administration and the Division of Retirement shall  
5 be participants in the conference.

6 Section 24. Subsection (1) of section 216.162, Florida  
7 Statutes, is amended to read:

8 216.162 Governor's recommended budget to be furnished  
9 Legislature; copies to members.--

10 (1) At least 30 ~~45~~ days before the scheduled annual  
11 legislative session, the Governor shall furnish each senator  
12 and representative a copy of his or her recommended balanced  
13 budget for the state, based on the Governor's own conclusions  
14 and judgment; ~~provided,~~ however, ~~that~~ in his or her first year  
15 in office a new Governor may request, subject to approval of  
16 the President of the Senate and the Speaker of the House of  
17 Representatives, that his or her recommended balanced budget  
18 be submitted at a later time prior to the Governor's first  
19 regular legislative session.

20 Section 25. Subsection (2) and paragraph (b) of  
21 subsection (4) of section 216.163, Florida Statutes, are  
22 amended to read:

23 216.163 Governor's recommended budget; form and  
24 content; declaration of collective bargaining impasses.--

25 (2) The Governor's recommended budget shall also  
26 include:

27 (a) The Governor's recommendations for operating each  
28 state agency, and those of the Chief Justice of the Supreme  
29 Court for operating the judicial branch, for the next fiscal  
30 year. These recommendations shall be displayed by  
31 appropriation category within each budget entity and shall

1 also include the legislative budget request of the  
2 corresponding agency. In order to present a balanced budget as  
3 required by s. 216.162, the Governor's recommendations for  
4 operating appropriations may include an alternative  
5 recommendation to that of the Chief Justice.

6 (b)1. The Governor's recommendations and those of the  
7 Chief Justice for fixed capital outlay appropriations for the  
8 next fiscal year. These recommendations shall be displayed by  
9 budget entity and shall also include the legislative budget  
10 request of the corresponding agency. In order to present a  
11 balanced budget as required by s. 216.162, the Governor's  
12 recommendations for fixed capital outlay appropriations may  
13 include an alternative recommendation to that of the Chief  
14 Justice.

15 2. For each specific fixed capital outlay project or  
16 group of projects or operating capital outlay requests  
17 recommended to be funded from a proposed state debt or  
18 obligation, he or she shall make available pursuant to s.  
19 216.164(1)(a) the documents set forth in s. 216.0442(2).

20 (c) The evaluation of the fixed capital outlay request  
21 of each agency and the judicial branch and alternatives to the  
22 proposed projects as made by the Department of Management  
23 Services pursuant to s. 216.044.

24 (d) A summary statement of the amount of  
25 appropriations requested by each state agency and as  
26 recommended by the Governor and by the judicial branch.

27 (e) A distinct listing of all nonrecurring  
28 appropriations recommended by the Governor or the Chief  
29 Justice.

30 (f) The Governor's recommendations for high-risk  
31 information technology projects which should be subject to

1 monitoring under s. 282.322. These recommendations shall  
2 include proviso language which specifies whether funds are  
3 specifically provided to contract for project monitoring, or  
4 whether the Auditor General will conduct such project  
5 monitoring. When funds are recommended for contracting with a  
6 project monitor, such funds may equal 1 percent to 5 percent  
7 of the project's estimated total costs. These funds shall be  
8 specifically appropriated and nonrecurring.

9 (g) Any additional information which the Governor or  
10 Chief Justice feels is needed to justify his or her  
11 recommendations.

12 (4) The Executive Office of the Governor shall review  
13 the findings of the Office of Program Policy Analysis and  
14 Government Accountability, to the extent they are available,  
15 request any reports or additional analyses as necessary, and  
16 submit a recommendation for executive agencies, which may  
17 include a recommendation regarding incentives or disincentives  
18 for agency performance. Incentives or disincentives may apply  
19 to all or part of a state agency. The Chief Justice shall  
20 review the findings of the Office of Program Policy Analysis  
21 and Government Accountability regarding judicial branch  
22 performance and make appropriate recommendations for the  
23 judicial branch.

24 (b) Disincentives may include, but are not limited to:

25 1. Mandatory quarterly reports to the Executive Office  
26 of the Governor and the Legislature on the agency's progress  
27 in meeting performance standards.

28 2. Mandatory quarterly appearances before the  
29 Legislature, the Governor, or the Governor and Cabinet to  
30 report on the agency's progress in meeting performance  
31 standards.

1           3. Elimination or restructuring of the program, which  
2 may include, but not be limited to, transfer of the program or  
3 outsourcing all or a portion of the program.

4           4. Reduction of total positions for a program.

5           5. Restriction on or reduction of the spending  
6 authority provided in s. 216.292(2)(b).

7           6. Reduction of managerial salaries.

8           Section 26. Subsections (1) through (4) of section  
9 216.167, Florida Statutes, are amended to read:

10           216.167 Governor's recommendations.--The Governor's  
11 recommendations shall include a financial schedule that  
12 provides:

13           (1) The Governor's estimate of the recommended  
14 recurring revenues available in the Budget Stabilization Fund,  
15 ~~the Working Capital Fund,~~ and the General Revenue Fund.

16           (2) The Governor's estimate of the recommended  
17 nonrecurring revenues available in the Budget Stabilization  
18 Fund,~~the Working Capital Fund,~~ and the General Revenue Fund.

19           (3) The Governor's recommended recurring and  
20 nonrecurring appropriations from the Budget Stabilization  
21 Fund,~~the Working Capital Fund,~~ and the General Revenue Fund.

22           (4) The Governor's estimates of any interfund loans or  
23 temporary obligations of the Budget Stabilization Fund, the  
24 General Revenue ~~Working Capital~~ Fund, or trust funds, which  
25 loans or obligations are needed to implement his or her  
26 recommended budget.

27           Section 27. Subsection (4) of section 216.168, Florida  
28 Statutes, is amended to read:

29           216.168 Governor's amended revenue or budget  
30 recommendations; optional and mandatory.--

31



1           (4) If the Governor determines, at any time after he  
2 or she has furnished the Legislature with his or her  
3 recommendations or amended recommendations, that the revenue  
4 estimates upon which the Governor's recommendations were based  
5 are insufficient to fund these recommendations, the Governor  
6 shall amend his or her revenues or appropriations  
7 recommendations to bring the Governor's recommended budget  
8 into balance. ~~On or after March 1, if the Governor determines~~  
9 ~~that there is insufficient time to provide the information for~~  
10 ~~the amended recommendations required in ss. 216.164 and~~  
11 ~~216.166, he or she shall be exempt from such requirement.~~

12           Section 28. Subsections (2), (3), and (4) of section  
13 216.177, Florida Statutes, are amended to read:

14           216.177 Appropriations acts, statement of intent,  
15 violation, notice, review and objection procedures.--

16           (2)(a) Whenever notice of action to be taken by the  
17 Executive Office of the Governor or the Chief Justice of the  
18 Supreme Court is required by this chapter, such notice shall  
19 be given to the chair and vice chair of the Legislative Budget  
20 Commission in writing, and shall be delivered at least 14 days  
21 prior to the action referred to, unless a shorter period is  
22 approved in writing by the chair and vice chair. If the action  
23 is solely for the release of funds appropriated by the  
24 Legislature, the notice shall be delivered at least 3 days  
25 before the effective date of the action. Action shall not be  
26 taken on any budget item for which this chapter requires  
27 notice to the Legislative Budget Commission or the  
28 appropriations committees without such notice having been  
29 provided, even though there may be good cause for considering  
30 such item.

1           (b) If the chair and vice chair of the Legislative  
2 Budget Commission or the President of the Senate and the  
3 Speaker of the House of Representatives timely advise, in  
4 writing, the Executive Office of the Governor or the Chief  
5 Justice of the Supreme Court that an action or a proposed  
6 action, including any expenditure of funds resulting from the  
7 settlement of litigation involving a state agency or officer,  
8 whether subject to the notice and review requirements of this  
9 chapter or not, exceeds the delegated authority of the  
10 Executive Office of the Governor for the executive branch or  
11 the Chief Justice for the judicial branch, respectively, or is  
12 contrary to legislative policy and intent, the Governor or the  
13 Chief Justice of the Supreme Court shall void such action and  
14 instruct the affected state agency or entity of the judicial  
15 branch to change immediately its spending action or spending  
16 proposal until the Legislative Budget Commission or the  
17 Legislature addresses the issue. The written documentation  
18 shall indicate the specific reasons that an action or proposed  
19 action exceeds the delegated authority or is contrary to  
20 legislative policy and intent.

21           (c) The House of Representatives and the Senate shall  
22 provide by rule that any member of the House of  
23 Representatives or Senate may request, in writing, of either  
24 the President of the Senate or the Speaker of the House of  
25 Representatives to initiate the procedures of paragraph (b).

26           (3) The Legislature may annually specify any  
27 incentives and disincentives for agencies operating programs  
28 under performance-based ~~program~~ budgets pursuant to this  
29 chapter in the General Appropriations Act or legislation  
30 implementing the General Appropriations Act.

31

1           ~~(4) Notwithstanding the 14 day notice requirements of~~  
2 ~~this section, the Department of Children and Family Services~~  
3 ~~is required to provide notice of proposed transfers submitted~~  
4 ~~pursuant to s. 20.19(5)(b) to the Executive Office of the~~  
5 ~~Governor and the chairs of the legislative appropriations~~  
6 ~~committees at least 3 working days prior to their~~  
7 ~~implementation.~~

8           Section 29. Subsections (1), (2), (4), (6), (8), (9),  
9 (10), (12), and (16) of section 216.181, Florida Statutes, are  
10 amended to read:

11           216.181 Approved budgets for operations and fixed  
12 capital outlay.--

13           (1) The General Appropriations Act and any other acts  
14 containing appropriations shall be considered the original  
15 approved operating budgets for operational and fixed capital  
16 expenditures. Amendments to the approved operating budgets for  
17 operational and fixed capital outlay expenditures from state  
18 agencies may be requested only through the Executive Office of  
19 the Governor and approved by the Governor and the Legislative  
20 Budget Commission as provided in this chapter. Amendments from  
21 the judicial branch may be requested only through, ~~and~~  
22 ~~approved by,~~ the Chief Justice of the Supreme Court and must  
23 be approved by the Chief Justice and the Legislative Budget  
24 Commission as provided in this chapter . This includes  
25 amendments which are necessary to implement the provisions of  
26 s. 216.212 or s. 216.221.

27           (2) Amendments to the original approved operating  
28 budgets for operational and fixed capital outlay expenditures  
29 must comply with the following guidelines in order to be  
30 approved by the Governor and the Legislative Budget Commission  
31 ~~as provided in this chapter~~ for the executive branch and the

1 Chief Justice and the Legislative Budget Commission for the  
2 judicial branch:

3 (a) The amendment must be consistent with legislative  
4 policy and intent.

5 (b) The amendment may not initiate or commence a new  
6 program, except as authorized by this chapter, or eliminate an  
7 existing program.

8 (c) Except as authorized in s. 216.292 or other  
9 provisions of this chapter, the amendment may not provide  
10 funding or increased funding for items which were funded by  
11 the Legislature in an amount less than that requested by the  
12 agency ~~or Governor~~ in the legislative budget request or  
13 recommended by the Governor, or which were vetoed by the  
14 Governor.

15 (d) For amendments that involve trust funds, there  
16 must be adequate and appropriate revenues available in the  
17 trust fund and the amendment must be consistent with the laws  
18 authorizing such trust funds and the laws relating to the use  
19 of the trust funds. However, a trust fund shall not be  
20 increased in excess of the original approved budget, except as  
21 provided in subsection (11).

22 (e) The amendment shall not conflict with any  
23 provision of law.

24 (f) The amendment must not provide funding for any  
25 issue which was requested by the agency or branch in its  
26 legislative budget request and not funded in the General  
27 Appropriations Act.

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

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

4           (4) To the extent possible, individual members of the  
5 Senate and the House of Representatives should be advised of  
6 budget amendments requested by the executive branch and  
7 judicial branch.

8           (6)(a) The Executive Office of the Governor or the  
9 Chief Justice of the Supreme Court may require the submission  
10 of a detailed plan from the agency or entity of the judicial  
11 branch affected, consistent with the General Appropriations  
12 Act, special appropriations acts, and statements ~~the statement~~  
13 of intent before transferring and releasing the balance of a  
14 lump-sum appropriation. ~~The provisions of this paragraph are~~  
15 ~~subject to the notice and review procedures set forth in s.~~  
16 ~~216.177.~~

17           (b) The Executive Office of the Governor and the Chief  
18 Justice of the Supreme Court may amend, without approval of  
19 the Legislative Budget Commission, state agency and judicial  
20 branch entity budgets, respectively, to reflect the  
21 transferred funds and to provide the associated increased  
22 salary rate based on the approved plans for lump-sum  
23 appropriations. This paragraph is subject to the procedures  
24 set forth in s. 216.177.

25  
26 The Executive Office of the Governor shall transmit to each  
27 state agency and the Chief Financial Officer, and the Chief  
28 Justice shall transmit to each judicial branch component and  
29 the Chief Financial Officer, any approved amendments to the  
30 approved operating budgets.  
31

1           (8) As part of the approved operating budget, the  
2 Executive Office of the Governor shall furnish to each state  
3 agency, and the Chief Justice of the Supreme Court shall  
4 furnish to the entity of the judicial branch, an approved  
5 annual salary rate for each budget entity containing a salary  
6 appropriation. This rate shall be based upon the actual salary  
7 rate and shall be consistent with the General Appropriations  
8 Act or special appropriations acts. The annual salary rate  
9 shall be:

10           (a) Determined by ~~Calculated based on the actual~~  
11 ~~salary rate in effect on June 30, and the salary policy and~~  
12 ~~the number of authorized positions as~~ specified in the General  
13 Appropriations Act and adjusted for reorganizations authorized  
14 by law, for any other appropriations made by law, and, subject  
15 to s. 216.177, for distributions of lump-sum appropriations  
16 and administered funds ~~special appropriations acts, or as~~  
17 ~~provided pursuant to s. 216.177.~~

18           (b) Controlled by department or agency; except for the  
19 Department of Education, which shall be controlled by division  
20 and for the judicial branch, which shall be controlled at the  
21 branch level.

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

23           ~~(9)(a) The calculation for the annual salary rate for~~  
24 ~~vacant and newly authorized positions shall be at no more than~~  
25 ~~the midpoint of the range of the pay grade for the position or~~  
26 ~~as provided in the General Appropriations Act.~~

27           ~~(b)~~ No agency or the judicial branch may exceed its  
28 maximum approved annual salary rate for the fiscal year.  
29 However, at any time during the fiscal year, an agency or  
30 entity of the judicial branch may exceed its approved rate for  
31 all budget entities by no more than 5 percent, provided that,

1 by June 30 of every fiscal year, the agency or entity of the  
2 judicial branch has reduced its salary rate so that the salary  
3 rate for each department ~~budget entity~~ is within the approved  
4 rate limit for that department ~~budget entity~~.

5 (10)(a) The Legislative Budget Commission ~~Executive~~  
6 ~~Office of the Governor and the Chief Justice of the Supreme~~  
7 ~~Court~~ may authorize increases or decreases in ~~increase or~~  
8 ~~decrease~~ the approved salary rate for positions ~~for the~~  
9 ~~purpose of implementing the General Appropriations Act,~~  
10 ~~special appropriations acts, and actions pursuant to s.~~  
11 ~~216.262 consistent with legislative intent and policy. Other~~  
12 ~~adjustments to approved salary rate must be approved by the~~  
13 ~~Legislative Budget Commission~~ pursuant to the request of the  
14 agency filed with the Executive Office of the Governor or  
15 pursuant to the request of an entity of the judicial branch  
16 filed with the Chief Justice of the Supreme Court, if deemed  
17 necessary and in the best interest of the state and consistent  
18 with legislative policy and intent. ~~The provisions of this~~  
19 ~~paragraph are subject to the notice and review procedures set~~  
20 ~~forth in s. 216.177.~~

21 (b) Lump-sum salary bonuses may be provided only if  
22 specifically appropriated or provided pursuant to s. 110.1245  
23 or s. 216.1815.

24 (c) State agencies and the judicial branch shall  
25 report, each fiscal quarter, the number of filled positions,  
26 the number of vacant positions, and the salary rate associated  
27 with each category to the Legislative Budget Commission in a  
28 form and manner prescribed by the commission.

29 (d) The salary rate provisions of subsections (8) and  
30 (9) and this subsection do not apply to the general office  
31 program of the Executive Office of the Governor.

1           (12) There is appropriated nonoperating budget for  
2 refunds, payments to the United States Treasury, and payments  
3 of the service charge to the General Revenue Fund, ~~and~~  
4 ~~transfers of funds specifically required by law~~. Such  
5 authorized budget, together with related releases, shall be  
6 transmitted by the state agency or by the judicial branch to  
7 the Chief Financial Officer for entry in his or her records in  
8 the manner and format prescribed by the Executive Office of  
9 the Governor in consultation with the Chief Financial Officer.  
10 A copy of such authorized budgets shall be furnished to the  
11 Executive Office of the Governor or the Chief Justice, the  
12 chairs of the legislative committees responsible for  
13 developing the general appropriations acts, and the Auditor  
14 General. Notwithstanding the duty specified for each state  
15 agency in s. 17.61(3), the Governor may withhold approval of  
16 nonoperating investment authority for certain trust funds when  
17 deemed in the best interest of the state. The Governor for the  
18 executive branch, and the Chief Justice for the judicial  
19 branch, may establish nonoperating budgets, with the approval  
20 of the chairs of the Senate and the House of Representatives  
21 appropriations committees, for transfers, purchase of  
22 investments, special expenses, distributions, transfers of  
23 funds specifically required by law, and any other nonoperating  
24 budget categories they deem necessary and in the best interest  
25 of the state and consistent with legislative intent and  
26 policy. ~~The provisions of this subsection are subject to the~~  
27 ~~notice, review, and objection procedures set forth in s.~~  
28 ~~216.177.~~ For purposes of this section, the term "nonoperating  
29 budgets" means nonoperating disbursement authority for  
30 purchase of investments, refunds, payments to the United  
31 States Treasury, transfers of funds specifically required by



1 law, distributions of assets held by the state in a trustee  
2 capacity as an agent of fiduciary, special expenses, and other  
3 nonoperating budget categories, as determined necessary by the  
4 Executive Office of the Governor and the chairs of the Senate  
5 and the House of Representatives appropriations committees,  
6 not otherwise appropriated in the General Appropriations Act.  
7 The establishment of nonoperating budget authority shall be  
8 deemed approved by a chair of a legislative committee if  
9 written notice of the objection is not provided to the  
10 Governor or Chief Justice, as appropriate, within 14 days of  
11 the chair receiving notice of the action pursuant to the  
12 provisions of s. 216.177.

13 (16)(a) Funds provided in any specific appropriation  
14 in the General Appropriations Act may be advanced if the  
15 General Appropriations Act specifically so provides.

16 (b) Any agency, or the judicial branch, that has been  
17 authorized by the General Appropriations Act or expressly  
18 authorized by other law to make advances for program startup  
19 or advances for contracted services, in total or periodically,  
20 shall limit such disbursements to other governmental entities  
21 and not-for-profit corporations. The amount ~~that~~ ~~which~~ may be  
22 advanced shall not exceed the expected cash needs of the  
23 contractor or recipient within the initial 3 months.  
24 Thereafter, disbursements shall only be made on a  
25 reimbursement basis. Any agreement that provides for  
26 advancements may contain a clause that permits the contractor  
27 or recipient to temporarily invest the proceeds, provided that  
28 any interest income shall either be returned to the agency or  
29 be applied against the agency's obligation to pay the contract  
30 amount. This paragraph does not constitute lawful authority to  
31 make any advance payment not otherwise authorized by laws

1 relating to a particular agency or general laws relating to  
2 the expenditure or disbursement of public funds. The Chief  
3 Financial Officer may, after consultation with the legislative  
4 appropriations committees, advance funds beyond a 3-month  
5 requirement if it is determined to be consistent with the  
6 intent of the approved operating budget.

7 ~~(c) Unless specifically prohibited in the General~~  
8 ~~Appropriations Act, funds appropriated to the Department of~~  
9 ~~Children and Family Services and the Department of Health may~~  
10 ~~be advanced for those contracted services that were approved~~  
11 ~~for advancement by the Comptroller in fiscal year 1993-1994,~~  
12 ~~including those services contracted on a fixed price or~~  
13 ~~unit cost basis.~~

14 Section 30. Section 216.192, Florida Statutes, is  
15 amended to read:

16 216.192 Release of appropriations; revision of  
17 budgets.--

18 (1) Unless otherwise provided in the General  
19 Appropriations Act, on July 1 of each fiscal year, up to 25  
20 percent of the original approved operating budget of each  
21 agency and of the judicial branch may be released until such  
22 time as annual plans for quarterly releases for all  
23 appropriations have been developed, approved, and furnished to  
24 the Chief Financial Officer by the Executive Office of the  
25 Governor for state agencies and by the Chief Justice of the  
26 Supreme Court for the judicial branch. The plans, including  
27 appropriate plans of releases for fixed capital outlay  
28 projects that correspond with each project schedule, shall  
29 attempt to maximize the use of trust funds and shall be  
30 transmitted to the Chief Financial Officer by August 1 of each  
31 fiscal year. Such releases shall at no time exceed the total

1 appropriations available to a state agency or to the judicial  
2 branch, or the approved budget for such agency or the judicial  
3 branch if less. The Chief Financial Officer shall enter such  
4 releases in his or her records in accordance with the release  
5 plans prescribed by the Executive Office of the Governor and  
6 the Chief Justice, unless otherwise amended as provided by  
7 law. The Executive Office of the Governor and the Chief  
8 Justice shall transmit a copy of the approved annual releases  
9 to the head of the state agency, the chair and vice chair of  
10 the Legislative Budget Commission, and the Auditor General.  
11 The Chief Financial Officer shall authorize all expenditures  
12 to be made from the appropriations on the basis of such  
13 releases and in accordance with the approved budget, and not  
14 otherwise. Expenditures shall be authorized only in accordance  
15 with legislative authorizations. Nothing herein precludes  
16 periodic reexamination and revision by the Executive Office of  
17 the Governor or by the Chief Justice of the annual plans for  
18 release of appropriations and the notifications of the parties  
19 of all such revisions.

20 (2) Any department under the direct supervision of a  
21 member of the Cabinet or of a board consisting of the Governor  
22 and members of the Cabinet which contends that the plan for  
23 releases of funds appropriated to it is contrary to the  
24 approved operating budget shall have the right to have the  
25 issue reviewed by the Administration Commission which shall  
26 decide such issue by majority vote. ~~The appropriations~~  
27 ~~committees of the Legislature may advise the Administration~~  
28 ~~Commission on the issue.~~

29 (3) The Executive Office of the Governor shall make  
30 releases within the amounts appropriated and as requested for  
31 all appropriations to the legislative branch, and the

1 provisions of subsections (1) and (2) shall not apply to the  
2 legislative branch.

3 ~~(4) The legislative appropriations committees may~~  
4 ~~advise the Chief Financial Officer, the Executive Office of~~  
5 ~~the Governor, or the Chief Justice relative to the release of~~  
6 ~~any funds under this section.~~

7 ~~(4)(5)~~ The annual plans of releases authorized by this  
8 section may be considered by the Revenue Estimating Conference  
9 in preparation of the statement of financial outlook.

10 (5) In order to implement directives contained in the  
11 General Appropriations Act or to prevent deficits pursuant to  
12 s. 216.221, the Executive Office of the Governor for the  
13 executive branch and the Chief Justice for the judicial branch  
14 may place appropriations in budget reserve or mandatory  
15 reserve.

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

19 Section 31. Section 216.195, Florida Statutes, is  
20 amended to read:

21 216.195 Impoundment of funds; restricted.--The  
22 Executive Office of the Governor, the Chief Justice of the  
23 Supreme Court, any member of the Cabinet, or any state agency  
24 shall not impound any appropriation except as necessary to  
25 avoid or eliminate a deficit pursuant to the provisions of s.  
26 216.221. As used in this section, the term "impoundment" means  
27 the omission of any appropriation or part of an appropriation  
28 in the approved operating plan prepared pursuant to s. 216.181  
29 or in the schedule of releases prepared pursuant to s. 216.192  
30 or the failure of any state agency or the judicial branch to  
31 spend an appropriation for the stated purposes authorized in

1 the approved operating budget. ~~The provisions of this section~~  
2 ~~are subject to the notice and review procedures of s. 216.177.~~  
3 The Governor or either house of the Legislature may seek  
4 judicial review of any action or proposed action which  
5 violates ~~the provisions of~~ this section.

6 Section 32. Subsections (2), (3), (5), (7), (9), and  
7 (10) of section 216.221, Florida Statutes, are amended to  
8 read:

9 216.221 Appropriations as maximum appropriations;  
10 adjustment of budgets to avoid or eliminate deficits.--

11 (2) The Legislature may annually provide direction in  
12 the General Appropriations Act regarding use of any state  
13 funds ~~the Budget Stabilization Fund and Working Capital Fund~~  
14 to offset General Revenue Fund deficits.

15 (3) For purposes of preventing a deficit in the  
16 General Revenue Fund, all branches and agencies of government  
17 ~~that receive General Revenue Fund appropriations~~ shall  
18 participate in deficit reduction efforts. Absent specific  
19 legislative ~~direction in the General Appropriations Act~~, when  
20 budget reductions are required in order to prevent a deficit  
21 under the provisions of subsection (7), each branch shall  
22 reduce its General Revenue Fund appropriations by a  
23 proportional amount.

24 (5)(a) If, in the opinion of the Governor, after  
25 consultation with the Revenue Estimating Conference, a deficit  
26 will occur in the General Revenue Fund, he or she shall so  
27 certify to the commission and to the Chief Justice of the  
28 Supreme Court. No more than 30 days after certifying that a  
29 deficit will occur in the General Revenue Fund, the Governor  
30 shall develop for the executive branch, and the Chief Justice  
31 of the Supreme Court shall develop for the judicial branch,

1 and provide to the commission and to the Legislature plans of  
2 action to eliminate the deficit.

3 (b) If, in the opinion of the President of the Senate  
4 and the Speaker of the House of Representatives, after  
5 consultation with the Revenue Estimating Conference, a deficit  
6 will occur in the General Revenue Fund and the Governor has  
7 not certified the deficit, the President of the Senate and the  
8 Speaker of the House of Representatives shall so certify.  
9 Within 30 days after such certification, the Governor shall  
10 develop for the executive branch and the Chief Justice of the  
11 Supreme Court shall develop for the judicial branch and  
12 provide to the commission and to the Legislature plans of  
13 action to eliminate the deficit.

14 ~~(c)(b)~~ In developing a plan of action to prevent  
15 deficits in accordance with subsection (7), the Governor and  
16 Chief Justice shall, to the extent possible, preserve  
17 legislative policy and intent, and, absent any specific  
18 direction to the contrary in the General Appropriations Act,  
19 the Governor and Chief Justice shall comply with the following  
20 guidelines for reductions in the approved operating budgets of  
21 the executive branch and the judicial branch:

22 ~~1. Entire statewide programs previously established by~~  
23 ~~the Legislature should not be eliminated.~~

24 ~~1.2.~~ Education budgets should not be reduced more than  
25 provided for in s. 215.16(2).

26 ~~2.3.~~ The use of nonrecurring funds to solve recurring  
27 deficits should be minimized.

28 ~~3.4.~~ Newly created programs that are not fully  
29 implemented and programs with critical audits, evaluations,  
30 and reviews should receive first consideration for reductions.

31

1           ~~4.5.~~ No agencies or branches of government receiving  
2 appropriations should be exempt from reductions.

3           ~~5.6.~~ When reductions in positions are required, the  
4 focus should be initially on vacant positions.

5           ~~7.~~ Any reductions applied to all agencies and branches  
6 should be uniformly applied.

7           ~~6.8.~~ Reductions that would cause substantial losses of  
8 federal funds should be minimized.

9           ~~9.~~ To the greatest extent possible, across the board,  
10 prorated reductions should be considered.

11           ~~7.10.~~ Reductions to statewide programs should occur  
12 only after review of programs that provide only local  
13 benefits.

14           ~~8.11.~~ Reductions in administrative and support  
15 functions should be considered before reductions in  
16 direct-support services.

17           ~~9.12.~~ Maximum reductions should be considered in  
18 budgets for expenses including travel and in budgets for  
19 equipment replacement, outside consultants, and contracts.

20           ~~10.13.~~ Reductions in salaries for elected state  
21 officials should be considered.

22           ~~11.14.~~ Reductions that adversely affect the public  
23 health, safety, and welfare should be minimized.

24           ~~12.15.~~ The Budget Stabilization Fund should not be  
25 reduced to a level that would impair the financial stability  
26 of this state.

27           ~~13.16.~~ Reductions in programs that are traditionally  
28 funded by the private sector and that may be assumed by  
29 private enterprise should be considered.

30

31

1           ~~14.17.~~ Reductions in programs that are duplicated  
2 among state agencies or branches of government should be  
3 considered.

4           (7) Deficits in the General Revenue Fund that do not  
5 meet the amounts specified by subsection (6) shall be resolved  
6 by the Governor ~~commission~~ for the executive branch and the  
7 Chief Justice of the Supreme Court for the judicial branch.  
8 The Governor ~~commission~~ and Chief Justice shall implement any  
9 directions provided in the General Appropriations Act related  
10 to eliminating deficits and to reducing agency and judicial  
11 branch budgets, including the use of those legislative  
12 appropriations voluntarily placed in reserve. In addition, the  
13 Governor and Chief Justice ~~commission~~ shall implement any  
14 directions in the General Appropriations Act relating to the  
15 resolution of deficit situations. When reducing state agency  
16 or judicial branch budgets, the Governor ~~commission~~ or the  
17 Chief Justice, respectively, shall use the guidelines  
18 prescribed in subsection (5). The Executive Office of the  
19 Governor ~~for the commission~~, and the Chief Justice for the  
20 judicial branch, shall implement the deficit reduction plans  
21 through amendments to the approved operating budgets in  
22 accordance with s. 216.181.

23           (9) If, in the opinion of the Chief Financial Officer,  
24 after consultation with the Revenue Estimating Conference, a  
25 deficit will occur, he or she shall report his or her opinion  
26 to the Governor, the President of the Senate, and the Speaker  
27 of the House of Representatives in writing. In the event the  
28 Governor does not certify a deficit, or the President of the  
29 Senate and the Speaker of the House of Representatives do not  
30 certify a deficit within 10 days after the Chief Financial  
31 Officer's report, the Chief Financial Officer shall report his



1 or her findings and opinion to the commission and the Chief  
2 Justice of the Supreme Court.

3 (10) When advised by the Revenue Estimating  
4 Conference, the Chief Financial Officer, or any agency  
5 responsible for a trust fund that a deficit will occur with  
6 respect to the appropriations from a specific trust fund in  
7 the current fiscal year, the Governor for the executive  
8 branch, or the Chief Justice for the judicial branch, shall  
9 develop a plan of action to eliminate the deficit. Before  
10 implementing the plan of action, the Governor or the Chief  
11 Justice must comply with the provisions of s. 216.177(2), and  
12 actions to resolve deficits in excess of \$1 million must be  
13 approved by the Legislative Budget Commission. In developing  
14 the plan of action, the Governor or the Chief Justice shall,  
15 to the extent possible, preserve legislative policy and  
16 intent, ~~and, absent any specific directions to the contrary in~~  
17 ~~the General Appropriations Act, any reductions in~~  
18 ~~appropriations from the trust fund for the fiscal year shall~~  
19 ~~be prorated among the specific appropriations made from the~~  
20 ~~trust fund for the current fiscal year.~~

21 Section 33. Subsection (2) of section 216.231, Florida  
22 Statutes, is amended to read:

23 216.231 Release of certain classified  
24 appropriations.--

25 (2) The release of appropriated funds classified as  
26 "deficiency" shall be approved only when a General Revenue  
27 Fund appropriation for operations of a state agency or of the  
28 judicial branch is inadequate because the workload or cost of  
29 the operation exceeds that anticipated by the Legislature and  
30 a determination has been made by the Governor ~~commission~~ that  
31 the deficiency will result in an impairment of the activities

1 of an agency or of the judicial branch to the extent that the  
2 agency is unable to carry out its program as provided by the  
3 Legislature in the general appropriations acts. These funds  
4 may not be used for creation of any new agency or program, for  
5 increases of salary, or for the construction or equipping of  
6 additional buildings.

7 Section 34. Subsections (3), (6), and (11) of section  
8 216.235, Florida Statutes, are amended to read:

9 216.235 Innovation Investment Program.--

10 (3) For purposes of this section:

11 (a) "Agency" means an official, officer, commission,  
12 authority, council, committee, department, division, bureau,  
13 board, section, or other unit or entity of the executive  
14 branch.

15 ~~(b) "Commission" means the Information Resource~~  
16 ~~Commission.~~

17 ~~(b)(c)~~ "Committee" means the State Innovation  
18 Committee.

19 ~~(c)(d)~~ "Office" means the Office of Tourism, Trade,  
20 and Economic Development within the Executive Office of the  
21 Governor.

22 ~~(d)(e)~~ "Review board" means a nonpartisan board  
23 composed of private citizens and public employees who evaluate  
24 the projects and make funding recommendations to the  
25 committee.

26 (6) Any agency developing an innovative investment  
27 project proposal that involves information technology  
28 resources may consult with and seek technical assistance from  
29 the State Technology Office ~~commission~~. The office shall  
30 consult with the State Technology Office ~~commission~~ for any  
31 project proposal that involves information resource

1 technology. The State Technology Office ~~commission~~ is  
2 responsible for evaluating these projects and for advising the  
3 committee and review board of the technical feasibility and  
4 any transferable benefits of the proposed technology. In  
5 addition to the requirements of subsection (5), the agencies  
6 shall provide to the State Technology Office ~~commission~~ any  
7 information requested by the State Technology Office  
8 ~~commission~~ to aid in determining that the proposed technology  
9 is appropriate for the project's success.

10 (11) Funds appropriated for the Innovation Investment  
11 Program shall be distributed by the Executive Office of the  
12 Governor subject to notice, review, and objection procedures  
13 set forth in s. 216.177. The office may transfer funds from  
14 the annual appropriation as necessary to administer the  
15 program. Proposals considered but not funded by the  
16 Legislature as part of an agency legislative budget request or  
17 the Governor's budget recommendation are not eligible to  
18 receive funding under the Innovation Investment Program.

19 Section 35. Section 216.241, Florida Statutes, is  
20 amended to read:

21 216.241 Initiation or commencement of new programs;  
22 approval; expenditure of certain revenues.--

23 (1) A state agency or the judicial branch may not  
24 initiate or commence any new program, including any new  
25 federal program or initiative, or make changes in its current  
26 programs, as provided for in the appropriations act, that  
27 require additional financing unless funds have been  
28 specifically appropriated by the Legislature or unless the  
29 Legislative Budget Commission ~~or the Chief Justice of the~~  
30 ~~Supreme Court~~ expressly approves such new program or changes.  
31 ~~The commission and the Chief Justice shall give notice as~~

1 ~~provided in s. 216.177 prior to approving such new program or~~  
2 ~~changes.~~

3 (2) ~~No~~ Changes that ~~which~~ are inconsistent with the  
4 approved ~~operating~~ budget may not shall be made to existing  
5 programs unless such changes are recommended to the  
6 Legislative Budget Commission by the Governor or the Chief  
7 Justice and the Legislative Budget Commission expressly  
8 approves such program changes. ~~The provisions of This~~  
9 subsection is ~~are~~ subject to the notice, review, and objection  
10 procedures set forth in s. 216.177.

11 (3) Any revenues generated by any tax or fee imposed  
12 by amendment to the State Constitution after October 1, 1999,  
13 shall not be expended by any agency, as defined in s.  
14 120.52(1), except pursuant to appropriation by the  
15 Legislature.

16 Section 36. Subsection (2) of section 216.251, Florida  
17 Statutes, is amended to read:

18 216.251 Salary appropriations; limitations.--

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

22 1. Within the classification and pay plans provided  
23 for in chapter 110.

24 2. Within the classification and pay plans established  
25 by the Board of Trustees for the Florida School for the Deaf  
26 and the Blind of the Department of Education and approved by  
27 the State Board of Education for academic and academic  
28 administrative personnel.

29 3. Within the classification and pay plan approved and  
30 administered by the State Board of Education and the Board of

31

1 Governors Board of Regents for those positions in the State  
2 University System.

3 4. Within the classification and pay plan approved by  
4 the President of the Senate and the Speaker of the House of  
5 Representatives, as the case may be, for employees of the  
6 Legislature.

7 5. Within the approved classification and pay plan for  
8 the judicial branch.

9 ~~6. The salary of all positions not specifically~~  
10 ~~included in this subsection shall be set by the commission or~~  
11 ~~by the Chief Justice for the judicial branch.~~

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

16 1. Reclassification of established positions may be  
17 accomplished when justified in accordance with the established  
18 procedures for reclassifying positions; or

19 2. When the Division of Risk Management of the  
20 Department of Financial Services has determined that an  
21 employee is entitled to receive a temporary partial disability  
22 benefit or a temporary total disability benefit pursuant to  
23 the provisions of s. 440.15 and there is medical certification  
24 that the employee cannot perform the duties of the employee's  
25 regular position, but the employee can perform some type of  
26 work beneficial to the agency, the agency may return the  
27 employee to the payroll, at his or her regular rate of pay, to  
28 perform such duties as the employee is capable of performing,  
29 even if there is not an established position in which the  
30 employee can be placed. Nothing in this subparagraph shall  
31 abrogate an employee's rights under chapter 440 or chapter

1 447, nor shall it adversely affect the retirement credit of a  
2 member of the Florida Retirement System in the membership  
3 class he or she was in at the time of, and during, the  
4 member's disability.

5 Section 37. Paragraphs (a) and (c) of subsection (1)  
6 of section 216.262, Florida Statutes, are amended to read:

7 216.262 Authorized positions.--

8 (1)(a) Unless otherwise expressly provided by law, the  
9 total number of authorized positions may not exceed the total  
10 provided in the appropriations acts. In the event any state  
11 agency or entity of the judicial branch finds that the number  
12 of positions so provided is not sufficient to administer its  
13 authorized programs, it may file an application with the  
14 Executive Office of the Governor or the Chief Justice; and, if  
15 the Executive Office of the Governor or Chief Justice  
16 certifies that there are no authorized positions available for  
17 addition, deletion, or transfer within the agency as provided  
18 in paragraph (c) and recommends an increase in the number of  
19 positions, the Governor or the Chief Justice may recommend,  
20 ~~after a public hearing, authorize~~ an increase in the number of  
21 positions for the following reasons only:

22 1. To implement or provide for continuing federal  
23 grants or changes in grants not previously anticipated. ;

24 2. To meet emergencies pursuant to s. 252.36. ;

25 3. To satisfy new federal regulations or changes  
26 therein. ;

27 4. To take advantage of opportunities to reduce  
28 operating expenditures or to increase the revenues of the  
29 state or local government. ; ~~and~~

30

31

1           5. To authorize positions ~~that~~ which were not fixed by  
2 the Legislature through error in drafting the appropriations  
3 acts.

4  
5 Actions recommended pursuant to ~~The provisions of this~~  
6 paragraph are subject to approval by the Legislative Budget  
7 Commission. ~~the notice and review procedures set forth in s.~~  
8 ~~216.177. A copy of the application,~~ The certification, and the  
9 final authorization shall be provided to ~~filed with~~ the  
10 Legislative Budget Commission, the appropriations committees,  
11 and ~~with~~ the Auditor General.

12           (c)1. The Executive Office of the Governor, under such  
13 procedures and qualifications as it deems appropriate, shall,  
14 upon agency request, delegate to any state agency authority to  
15 add and delete authorized positions or transfer authorized  
16 positions from one budget entity to another budget entity  
17 within the same division, and may approve additions and  
18 deletions of authorized positions or transfers of authorized  
19 positions within the state agency when such changes would  
20 enable the agency to administer more effectively its  
21 authorized and approved programs. The additions or deletions  
22 must be consistent with the intent of the approved operating  
23 budget, must be consistent with legislative policy and intent,  
24 and must not conflict with specific spending policies  
25 specified in the General Appropriations Act.

26           2. The Chief Justice of the Supreme Court shall have  
27 the authority to establish procedures for the judicial branch  
28 to add and delete authorized positions or transfer authorized  
29 positions from one budget entity to another budget entity, and  
30 to add and delete authorized positions within the same budget  
31 entity, when such changes are consistent with legislative

1 policy and intent and do not conflict with spending policies  
2 specified in the General Appropriations Act.

3 ~~3.a. A state agency may be eligible to retain salary~~  
4 ~~dollars for authorized positions eliminated after July 1,~~  
5 ~~2001. The agency must certify the eliminated positions to the~~  
6 ~~Legislative Budgeting Commission.~~

7 ~~b. The Legislative Budgeting Commission shall~~  
8 ~~authorize the agency to retain 20 percent of the salary~~  
9 ~~dollars associated with the eliminated positions and may~~  
10 ~~authorize retention of a greater percentage. All such salary~~  
11 ~~dollars shall be used for permanent salary increases.~~

12 Section 38. Section 216.292, Florida Statutes, is  
13 amended to read:

14 (Substantial rewording of section. See

15 s. 216.292, F.S., for present text.)

16 216.292 Appropriations nontransferable; exceptions.--

17 (1)(a) Funds provided in the General Appropriations  
18 Act or as otherwise expressly provided by law shall be  
19 expended only for the purpose for which appropriated, except  
20 that such moneys may be transferred as provided in this  
21 section when it is determined to be in the best interest of  
22 the state. Appropriations for fixed capital outlay may not be  
23 expended for any other purpose. Appropriations may not be  
24 transferred between state agencies, or between a state agency  
25 and the judicial branch, unless specifically authorized by  
26 law.

27 (b)1. Authorized revisions of the original approved  
28 operating budget, together with related changes in the plan  
29 for release of appropriations, if any, shall be transmitted by  
30 the state agency or by the judicial branch to the Executive  
31 Office of the Governor or the Chief Justice, respectively, the



1 chairs of the Senate and the House of Representatives  
2 appropriations committees, the Office of Program Policy  
3 Analysis and Government Accountability, and the Auditor  
4 General. Such authorized revisions shall be consistent with  
5 the intent of the approved operating budget, shall be  
6 consistent with legislative policy and intent, and may not  
7 conflict with specific spending policies specified in the  
8 General Appropriations Act.

9       2. Authorized revisions, together with related  
10 changes, if any, in the plan for release of appropriations  
11 shall be transmitted by the state agency or by the judicial  
12 branch to the Chief Financial Officer for entry in the Chief  
13 Financial Officer's records in the manner and format  
14 prescribed by the Executive Office of the Governor in  
15 consultation with the Chief Financial Officer.

16       3. The Executive Office of the Governor or the Chief  
17 Justice shall forward a copy of the revisions within 7 working  
18 days to the Chief Financial Officer for entry in his or her  
19 records in the manner and format prescribed by the Executive  
20 Office of the Governor in consultation with the Chief  
21 Financial Officer.

22       (2) The following transfers are authorized to be made  
23 by the head of each department or the Chief Justice of the  
24 Supreme Court whenever it is deemed necessary by reason of  
25 changed conditions:

26       (a) The transfer of appropriations funded from  
27 identical funding sources, except appropriations for fixed  
28 capital outlay, and the transfer of amounts included within  
29 the total original approved budget and plans of releases of  
30 appropriations as furnished pursuant to ss. 216.181 and  
31 216.192, as follows:

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

6       2. Between budget entities within identical categories  
7 of appropriations, if no category of appropriation is  
8 increased or decreased by more than 5 percent of the original  
9 approved budget or \$250,000, whichever is greater, by all  
10 action taken under this subsection.

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

15       4. Notice of proposed transfers under subparagraphs 1.  
16 and 2. shall be provided to the Executive Office of the  
17 Governor and the chairs of the legislative appropriations  
18 committees at least 3 days prior to agency implementation in  
19 order to provide an opportunity for review. The review shall  
20 be limited to ensuring that the transfer is in compliance with  
21 the requirements of this paragraph.

22       (b) After providing notice at least 5 working days  
23 prior to implementation:

24       1. The transfer of funds within programs identified in  
25 the General Appropriations Act from identical funding sources  
26 between the following appropriation categories without  
27 limitation so long as such a transfer does not result in an  
28 increase, to the total recurring general revenue or trust fund  
29 cost of the agency or entity of the judicial branch in the  
30 subsequent fiscal year: other personal services, expenses,  
31 operating capital outlay, food products, state attorney and

1 public defender operations, data processing services,  
2 operating and maintenance of patrol vehicles, overtime  
3 payments, salary incentive payments, compensation to retired  
4 judges, law libraries, and juror and witness payments.

5 2. The transfer of funds and positions from identical  
6 funding sources between salaries and benefits appropriation  
7 categories within programs identified in the General  
8 Appropriations Act. Such transfers must be consistent with  
9 legislative policy and intent and may not adversely affect  
10 achievement of approved performance outcomes or outputs in any  
11 program.

12 (c) The transfer of funds appropriated to accounts  
13 established for disbursement purposes upon release of such  
14 appropriation upon request of a department and approval by the  
15 Chief Financial Officer. Such transfer may only be made to the  
16 same appropriation category and the same funding source from  
17 which the funds are transferred.

18 (d) The transfer of funds by the Executive Office of  
19 the Governor from appropriations for public school operations  
20 to a fixed capital outlay appropriation for class size  
21 reduction based on recommendations of the Florida Education  
22 Finance Program Appropriation Allocation Conference or the  
23 Legislative Budget Commission pursuant to s. 1003.03(4)(a).  
24 Actions by the Governor under this subsection are subject to  
25 the notice and review provisions of s. 216.177.

26 (3) The following transfers are authorized with the  
27 approval of the Executive Office of the Governor for the  
28 executive branch or the Chief Justice for the judicial branch,  
29 subject to the notice and review provisions of s. 216.177:  
30  
31

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

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

5       (4) The following transfers are authorized with the  
6 approval of the Legislative Budget Commission. Unless waived  
7 by the chair and vice chair of the commission, notice of such  
8 transfers must be provided 14 days before the commission  
9 meeting:

10       (a) The transfer of appropriations for operations from  
11 the General Revenue Fund in excess of those provided in this  
12 section but within a state agency or within the judicial  
13 branch, as recommended by the Executive Office of the Governor  
14 or the Chief Justice of the Supreme Court.

15       (b) The transfer of appropriations for operations from  
16 trust funds in excess of those provided in this section that  
17 exceed the greater of 5 percent of the original approved  
18 budget or \$1 million, as recommended by the Executive Office  
19 of the Governor or the Chief Justice of the Supreme Court.

20       (c) The transfer of the portion of an appropriation  
21 for a named fixed capital outlay project found to be in excess  
22 of that needed to complete the project to another project for  
23 which there has been an appropriation in the same fiscal year  
24 from the same fund and within the same department where a  
25 deficiency is found to exist, at the request of the Executive  
26 Office of the Governor for state agencies or the Chief Justice  
27 of the Supreme Court for the judicial branch. The scope of a  
28 fixed capital outlay project may not be changed by any  
29 transfer of funds made pursuant to this subsection.

30       (d) The transfers necessary to accomplish the purposes  
31 of reorganization within state agencies or the judicial branch

1 authorized by the Legislature when the necessary adjustments  
2 of appropriations and positions have not been provided in the  
3 General Appropriations Act.

4 (5) A transfer of funds may not result in the  
5 initiation of a fixed capital outlay project that has not  
6 received a specific legislative appropriation, except that  
7 federal funds for fixed capital outlay projects for the  
8 Department of Military Affairs, which do not carry a  
9 continuing commitment on future appropriations by the  
10 Legislature, may be approved by the Executive Office of the  
11 Governor for the purpose received, subject to the notice,  
12 review, and objection procedures set forth in s. 216.177.

13 (6) The Chief Financial Officer shall transfer from  
14 any available funds of an agency or the judicial branch the  
15 following amounts and shall report all such transfers and the  
16 reasons therefor to the legislative appropriations committees  
17 and the Executive Office of the Governor:

18 (a) The amount due to the Unemployment Compensation  
19 Trust Fund which is more than 90 days delinquent on  
20 reimbursements due to the Unemployment Compensation Trust  
21 Fund. The amount transferred shall be that certified by the  
22 state agency providing unemployment tax collection services  
23 under contract with the Agency for Workforce Innovation  
24 through an interagency agreement pursuant to s. 443.1316.

25 (b) The amount due to the Division of Risk Management  
26 which is more than 90 days delinquent in payment to the  
27 Division of Risk Management of the Department of Financial  
28 Services for insurance coverage. The amount transferred shall  
29 be that certified by the division.

30 (c) The amount due to the Communications Working  
31 Capital Trust Fund from moneys appropriated in the General

1 Appropriations Act for the purpose of paying for services  
2 provided by the state communications system in the Department  
3 of Management Services which is unpaid 45 days after the  
4 billing date. The amount transferred shall be that billed by  
5 the department.

6 Section 39. Section 216.301, Florida Statutes, is  
7 amended to read:

8 216.301 Appropriations; undisbursed balances.--

9 (1)(a) Any balance of any appropriation, except an  
10 appropriation for fixed capital outlay, which is not disbursed  
11 but which is expended or contracted to be expended shall, at  
12 the end of each fiscal year, be certified by the head of the  
13 affected state agency or the judicial or legislative branches,  
14 on or before August 1 of each year, to the Executive Office of  
15 the Governor, showing in detail the obligees to whom obligated  
16 and the amounts of such obligations. On or before September 1  
17 of each year, the Executive Office of the Governor shall  
18 review and approve or disapprove, consistent with legislative  
19 policy and intent, any or all of the items and amounts  
20 certified by the head of the affected state agency and shall  
21 approve all items and amounts certified by the Chief Justice  
22 of the Supreme Court for the judicial branch and by the  
23 legislative branch and shall furnish the Chief Financial  
24 Officer, the legislative appropriations committees, and the  
25 Auditor General a detailed listing of the items and amounts  
26 approved as legal encumbrances against the undisbursed balance  
27 of such appropriation. The review shall assure that trust  
28 funds have been fully maximized. Any such encumbered balance  
29 remaining undisbursed on December 31 of the same calendar year  
30 in which such certification was made shall revert to the fund  
31 from which appropriated, except as provided in subsection (3).

1 and shall be available for reappropriation by the Legislature.  
2 In the event such certification is not made and an obligation  
3 is proven to be legal, due, and unpaid, then the obligation  
4 shall be paid and charged to the appropriation for the current  
5 fiscal year of the state agency or the legislative or judicial  
6 branch affected.

7 (b) Any balance of any appropriation, except an  
8 appropriation for fixed capital outlay, for any given fiscal  
9 year remaining after charging against it any lawful  
10 expenditure shall revert to the fund from which appropriated  
11 and shall be available for reappropriation by the Legislature.

12 (c) Each department and the judicial branch shall  
13 maintain the integrity of the General Revenue Fund.  
14 Appropriations from the General Revenue Fund contained in the  
15 original approved budget may be transferred to the proper  
16 trust fund for disbursement. Any reversion of appropriation  
17 balances from programs which receive funding from the General  
18 Revenue Fund and trust funds shall be transferred to the  
19 General Revenue Fund within 15 days after such reversion,  
20 unless otherwise provided by federal or state law, including  
21 the General Appropriations Act. The Executive Office of the  
22 Governor or the Chief Justice of the Supreme Court shall  
23 determine the state agency or judicial branch programs which  
24 are subject to this paragraph. This determination shall be  
25 subject to the legislative consultation and objection process  
26 in this chapter. The Education Enhancement Trust Fund shall  
27 not be subject to the provisions of this section.

28 (2)(a) The balance of any appropriation for fixed  
29 capital outlay which is not disbursed but expended,  
30 contracted, or committed to be expended prior to February 1 of  
31 the second fiscal year of the appropriation, or the third

1 fiscal year if it is for an educational facility as defined in  
2 chapter 1013 or for a construction project of a state  
3 university, shall be certified by the head of the affected  
4 state agency or the legislative or judicial branch on February  
5 1 to the Executive Office of the Governor, showing in detail  
6 the commitment or to whom obligated and the amount of the  
7 commitment or obligation. The Executive Office of the Governor  
8 for the executive branch and the Chief Justice for the  
9 judicial branch shall review and approve or disapprove,  
10 consistent with criteria jointly developed by the Executive  
11 Office of the Governor and the legislative appropriations  
12 committees, the continuation of such unexpended balances. The  
13 Executive Office of the Governor shall, no later than February  
14 20 of each year, furnish the Chief Financial Officer, the  
15 legislative appropriations committees, and the Auditor General  
16 a report listing in detail the items and amounts reverting  
17 under the authority of this subsection, including the fund to  
18 which reverted and the agency affected.

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

24 (c) The balance of any appropriation for fixed capital  
25 outlay certified forward under paragraph (a) which is not  
26 disbursed but expended, contracted, or committed to be  
27 expended prior to the end of the second fiscal year of the  
28 appropriation, or the third fiscal year if it is for an  
29 educational facility as defined in chapter 1013 or for a  
30 construction project of a state university, and any subsequent  
31 fiscal year, shall be certified by the head of the affected



1 state agency or the legislative or judicial branch on or  
2 before August 1 of each year to the Executive Office of the  
3 Governor, showing in detail the commitment or to whom  
4 obligated and the amount of such commitment or obligation. On  
5 or before September 1 of each year, the Executive Office of  
6 the Governor shall review and approve or disapprove,  
7 consistent with legislative policy and intent, any or all of  
8 the items and amounts certified by the head of the affected  
9 state agency and shall approve all items and amounts certified  
10 by the Chief Justice of the Supreme Court and by the  
11 legislative branch and shall furnish the Chief Financial  
12 Officer, the legislative appropriations committees, and the  
13 Auditor General a detailed listing of the items and amounts  
14 approved as legal encumbrances against the undisbursed  
15 balances of such appropriations. If such certification is not  
16 made and the balance of the appropriation has reverted and the  
17 obligation is proven to be legal, due, and unpaid, the  
18 obligation shall be presented to the Legislature for its  
19 consideration.

20 (3) The President of the Senate and the Speaker of the  
21 House of Representatives may notify the Executive Office of  
22 the Governor to retain certified-forward balances from  
23 legislative budget entities until June 30 of the following  
24 fiscal year.

25 ~~(2)(a) Any balance of any appropriation for fixed~~  
26 ~~capital outlay not disbursed but expended or contracted or~~  
27 ~~committed to be expended shall, at the end of each fiscal~~  
28 ~~year, be certified by the head of the affected state agency or~~  
29 ~~the legislative or judicial branch, on or before August 1 of~~  
30 ~~each year, to the Executive Office of the Governor, showing in~~  
31 ~~detail the commitment or to whom obligated and the amount of~~

1 ~~such commitment or obligation. On or before September 1 of~~  
2 ~~each year, the Executive Office of the Governor shall review~~  
3 ~~and approve or disapprove, consistent with legislative policy~~  
4 ~~and intent, any or all of the items and amounts certified by~~  
5 ~~the head of the affected state agency and shall approve all~~  
6 ~~items and amounts certified by the Chief Justice of the~~  
7 ~~Supreme Court and by the legislative branch and shall furnish~~  
8 ~~the Chief Financial Officer, the legislative appropriations~~  
9 ~~committees, and the Auditor General a detailed listing of the~~  
10 ~~items and amounts approved as legal encumbrances against the~~  
11 ~~undisbursed balances of such appropriations. In the event such~~  
12 ~~certification is not made and the balance of the appropriation~~  
13 ~~has reverted and the obligation is proven to be legal, due,~~  
14 ~~and unpaid, then the same shall be presented to the~~  
15 ~~Legislature for its consideration.~~

16 ~~(b) Such certification as herein required shall be in~~  
17 ~~the form and on the date approved by the Executive Office of~~  
18 ~~the Governor. Any balance not so certified shall revert to the~~  
19 ~~fund from which appropriated and shall be available for~~  
20 ~~reappropriation.~~

21 ~~(3) Notwithstanding the provisions of subsection (2),~~  
22 ~~the unexpended balance of any appropriation for fixed capital~~  
23 ~~outlay subject to but not under the terms of a binding~~  
24 ~~contract or a general construction contract prior to February~~  
25 ~~1 of the second fiscal year, or the third fiscal year if it is~~  
26 ~~for an educational facility as defined in chapter 1013 or a~~  
27 ~~construction project of a state university, of the~~  
28 ~~appropriation shall revert on February 1 of such year to the~~  
29 ~~fund from which appropriated and shall be available for~~  
30 ~~reappropriation. The Executive Office of the Governor shall,~~  
31 ~~not later than February 20 of each year, furnish the Chief~~

1 ~~Financial Officer, the legislative appropriations committees,~~  
2 ~~and the Auditor General a report listing in detail the items~~  
3 ~~and amounts reverting under the authority of this subsection,~~  
4 ~~including the fund to which reverted and the agency affected.~~

5 Section 40. Effective July 1, 2006, subsection (1) of  
6 section 216.301, Florida Statutes, as amended by this act, is  
7 amended to read:

8 216.301 Appropriations; undisbursed balances.--

9 (1)(a) Any balance of any appropriation, except an  
10 appropriation for fixed capital outlay, which is not disbursed  
11 but which is expended ~~or contracted to be expended~~ shall, at  
12 the end of each fiscal year, be certified by the head of the  
13 affected state agency or the judicial or legislative branches,  
14 on or before August 1 of each year, to the Executive Office of  
15 the Governor, showing in detail the obligees to whom obligated  
16 and the amounts of such obligations. ~~On or before September 1~~  
17 ~~of each year, the Executive Office of the Governor shall~~  
18 ~~review and approve or disapprove, consistent with legislative~~  
19 ~~policy and intent, any or all of the items and amounts~~  
20 ~~certified by the head of the affected state agency and shall~~  
21 ~~approve all items and amounts certified by the Chief Justice~~  
22 ~~of the Supreme Court for the judicial branch and by the~~  
23 ~~legislative branch and shall furnish the Chief Financial~~  
24 ~~Officer, the legislative appropriations committees, and the~~  
25 ~~Auditor General a detailed listing of the items and amounts~~  
26 ~~approved as legal encumbrances against the undisbursed balance~~  
27 ~~of such appropriation. The review shall assure that trust~~  
28 ~~funds have been fully maximized.~~ Any such encumbered balance  
29 remaining undisbursed on September 30 ~~December 31~~ of the same  
30 calendar year in which such certification was made shall  
31 revert to the fund from which appropriated, except as provided

1 in subsection (3), and shall be available for reappropriation  
2 by the Legislature. In the event such certification is not  
3 made and an obligation is proven to be legal, due, and unpaid,  
4 then the obligation shall be paid and charged to the  
5 appropriation for the current fiscal year of the state agency  
6 or the legislative or judicial branch affected.

7 (b) Any balance of any appropriation, except an  
8 appropriation for fixed capital outlay, for any given fiscal  
9 year remaining after charging against it any lawful  
10 expenditure shall revert to the fund from which appropriated  
11 and shall be available for reappropriation by the Legislature.

12 (c) Each department and the judicial branch shall  
13 maintain the integrity of the General Revenue Fund.  
14 Appropriations from the General Revenue Fund contained in the  
15 original approved budget may be transferred to the proper  
16 trust fund for disbursement. Any reversion of appropriation  
17 balances from programs which receive funding from the General  
18 Revenue Fund and trust funds shall be transferred to the  
19 General Revenue Fund within 15 days after such reversion,  
20 unless otherwise provided by federal or state law, including  
21 the General Appropriations Act. The Executive Office of the  
22 Governor or the Chief Justice of the Supreme Court shall  
23 determine the state agency or judicial branch programs which  
24 are subject to this paragraph. This determination shall be  
25 subject to the legislative consultation and objection process  
26 in this chapter. The Education Enhancement Trust Fund shall  
27 not be subject to the provisions of this section.

28 Section 41. Subsection (3) of section 218.60, Florida  
29 Statutes, is amended to read:

30 218.60 Definitions.--  
31

1           ~~(3) All estimates of moneys provided pursuant to this~~  
2 ~~part utilized by participating units of local government in~~  
3 ~~the first year of participation shall be equal to 95 percent~~  
4 ~~of those projections made by the revenue estimating conference~~  
5 ~~and provided to local governments by the Office of Economic~~  
6 ~~and Demographic Research, in consultation with the Department~~  
7 ~~of Revenue.~~

8           Section 42. Subsection (2) of section 252.37, Florida  
9 Statutes, is amended to read:

10           252.37 Financing.--

11           (2) It is the legislative intent that the first  
12 recourse be made to funds regularly appropriated to state and  
13 local agencies. If the Governor finds that the demands placed  
14 upon these funds in coping with a particular disaster declared  
15 by the Governor as a state of emergency are unreasonably  
16 great, she or he may make funds available by transferring and  
17 expending moneys appropriated for other purposes, by  
18 transferring and expending moneys out of any unappropriated  
19 surplus funds, or from the Budget Stabilization Fund ~~or~~  
20 ~~Working Capital Fund~~. Following the expiration or termination  
21 of the state of emergency, the Governor may process a budget  
22 amendment under the notice and review procedures set forth in  
23 s. 216.177 to transfer moneys to satisfy the budget authority  
24 granted for such emergency.

25           Section 43. Subsection (3) of section 265.55, Florida  
26 Statutes, is amended to read:

27           265.55 Claims.--

28           (3) The authorization for payment delineated in  
29 subsection (2) shall be forwarded to the Chief Financial  
30 Officer. The Chief Financial Officer shall take appropriate  
31 action to execute authorized payment of the claim from

1 unobligated, unappropriated moneys in the General Revenue  
2 ~~Working Capital~~ Fund, as defined in s. 215.32.

3 Section 44. Subsection (5) of section 288.7091,  
4 Florida Statutes, is amended to read:

5 288.7091 Duties of the Florida Black Business  
6 Investment Board, Inc.--The Florida Black Business Investment  
7 Board, Inc., shall:

8 (5) Include in the criteria for loan decisions,  
9 occupational forecasting results set forth in s. 216.136(7)  
10 ~~(9)~~ which target high growth jobs;

11 Section 45. Subsection (5) of section 320.20, Florida  
12 Statutes, is amended to read:

13 320.20 Disposition of license tax moneys.--The revenue  
14 derived from the registration of motor vehicles, including any  
15 delinquent fees and excluding those revenues collected and  
16 distributed under the provisions of s. 320.081, must be  
17 distributed monthly, as collected, as follows:

18 (5)(a) Except as provided in paragraph (c), the  
19 remainder of such revenues must be deposited in the State  
20 Transportation Trust Fund.

21 (b) The Chief Financial Officer each month shall  
22 deposit in the State Transportation Trust Fund an amount,  
23 drawn from other funds in the State Treasury which are not  
24 immediately needed or are otherwise in excess of the amount  
25 necessary to meet the requirements of the State Treasury,  
26 which when added to such remaining revenues each month will  
27 equal one-twelfth of the amount of the anticipated annual  
28 revenues to be deposited in the State Transportation Trust  
29 Fund under paragraph (a) as determined by the Chief Financial  
30 Officer after consultation with the ~~estimated by the most~~  
31 ~~recent~~ revenue estimating conference held pursuant to s.

1 216.136(3). The transfers required hereunder may be suspended  
2 by action of the Legislative Budget Commission in the event of  
3 a significant shortfall of state revenues.

4 (c) In any month in which the remaining revenues  
5 derived from the registration of motor vehicles exceed  
6 one-twelfth of those anticipated annual remaining revenues as  
7 determined by the Chief Financial Officer after consultation  
8 with the revenue estimating conference, the excess shall be  
9 credited to those state funds in the State Treasury from which  
10 the amount was originally drawn, up to the amount which was  
11 deposited in the State Transportation Trust Fund under  
12 paragraph (b). A final adjustment must be made in the last  
13 months of a fiscal year so that the total revenue deposited in  
14 the State Transportation Trust Fund each year equals the  
15 amount derived from the registration of motor vehicles, less  
16 the amount distributed under subsection (1). For the purposes  
17 of this paragraph and paragraph (b), the term "remaining  
18 revenues" means all revenues deposited into the State  
19 Transportation Trust Fund under paragraph (a) and subsections  
20 (2) and (3). In order that interest earnings continue to  
21 accrue to the General Revenue Fund, the Department of  
22 Transportation may not invest an amount equal to the  
23 cumulative amount of funds deposited in the State  
24 Transportation Trust Fund under paragraph (b) less funds  
25 credited under this paragraph as computed on a monthly basis.  
26 The amounts to be credited under this and the preceding  
27 paragraph must be calculated and certified to the Chief  
28 Financial Officer by the Executive Office of the Governor.

29 Section 46. Section 337.023, Florida Statutes, is  
30 amended to read:  
31

1           337.023 Sale of building; acceptance of replacement  
2 building.--Notwithstanding the provisions of s.  
3 216.292(2)(b)2.~~(4)(b)~~, if the department sells a building,  
4 the department may accept the construction of a replacement  
5 building, in response to a request for proposals, totally or  
6 partially in lieu of cash, and may do so without a specific  
7 legislative appropriation. Such action is subject to the  
8 approval of the Executive Office of the Governor, and is  
9 subject to the notice, review, and objection procedures under  
10 s. 216.177. The replacement building shall be consistent with  
11 the current and projected needs of the department as agreed  
12 upon by the department and the Department of Management  
13 Services.

14           Section 47. Paragraph (a) of subsection (2),  
15 paragraphs (c) and (f) of subsection (6), and subsection (7)  
16 of section 339.135, Florida Statutes, are amended to read:

17           339.135 Work program; legislative budget request;  
18 definitions; preparation, adoption, execution, and  
19 amendment.--

20           (2) SUBMISSION OF LEGISLATIVE BUDGET REQUEST AND  
21 REQUEST FOR LIST OF ADDITIONAL TRANSPORTATION PROJECTS.--

22           (a) The department shall file the legislative budget  
23 request in the manner required by chapter 216, setting forth  
24 the department's proposed revenues and expenditures for  
25 operational and fixed capital outlay needs to accomplish the  
26 objectives of the department in the ensuing fiscal year. The  
27 right-of-way, construction, preliminary engineering,  
28 maintenance, and all grants and aids programs of the  
29 department shall be set forth only in program totals. The  
30 legislative budget request must include a balanced 36-month  
31 forecast of cash and expenditures and a 5-year finance plan.



1 The legislative budget request shall be amended to conform to  
2 the tentative work program. Prior to the submission of the  
3 tentative work program pursuant to s. 339.135(4)(f), the  
4 department may amend its legislative budget request and the  
5 tentative work program for ~~based on~~ the most recent estimating  
6 conference estimate of revenues and the most recent federal  
7 aid apportionments.

8 (6) EXECUTION OF THE BUDGET.--

9 (c) Notwithstanding the provisions of ss.  
10 216.301~~(2)~~~~(3)~~ and 216.351, any unexpended balance remaining at  
11 the end of the fiscal year in the appropriations to the  
12 department for special categories; aid to local governments;  
13 lump sums for project phases which are part of the adopted  
14 work program, and for which contracts have been executed or  
15 bids have been let; and for right-of-way land acquisition and  
16 relocation assistance for parcels from project phases in the  
17 adopted work program for which appraisals have been completed  
18 and approved, may be certified forward as fixed capital outlay  
19 at the end of each fiscal year, to be certified by the head of  
20 the state agency on or before August 1 of each year to the  
21 Executive Office of the Governor, showing in detail the  
22 commitment or to whom obligated and the amount of such  
23 commitment or obligation. On or before September 1 of each  
24 year, the Executive Office of the Governor shall review and  
25 approve or disapprove, consistent with legislative policy and  
26 intent, any or all of the items and amounts certified by the  
27 head of the state agency and shall furnish the Chief Financial  
28 Officer, the legislative appropriations committees, and the  
29 Auditor General a detailed listing of the items and amounts  
30 approved as legal encumbrances against the undisbursed  
31 balances of such appropriations. In the event such

1 certification is not made and the balance of the appropriation  
2 has reverted and the obligation is proven to be legal, due,  
3 and unpaid, then the same shall be presented to the  
4 Legislature for its consideration. Such certification as  
5 herein required shall be in the form and on the date approved  
6 by the Executive Office of the Governor ~~under the provisions~~  
7 ~~of s. 216.301(2)(a).~~ Any project phases in the adopted work  
8 program not certified forward ~~under the provisions of s.~~  
9 ~~216.301(2)(a)~~ shall be available for roll forward for the next  
10 fiscal year of the adopted work program. Spending authority  
11 associated with such project phases may be rolled forward to  
12 the next fiscal year upon approval by the Legislative Budget  
13 Commission pursuant to paragraph (f). Increases in spending  
14 authority shall be limited to amounts of unexpended balances  
15 by appropriation category. Any project phase certified forward  
16 for which bids have been let but subsequently rejected shall  
17 be available for roll forward in the adopted work program for  
18 the next fiscal year. Spending authority associated with such  
19 project phases may be rolled forward into the current year  
20 from funds certified forward ~~pursuant to paragraph (f).~~ The  
21 amount certified forward may include contingency allowances  
22 for right-of-way acquisition and relocation, asphalt and  
23 petroleum product escalation clauses, and contract overages,  
24 which allowances shall be separately identified in the  
25 certification detail. Right-of-way acquisition and relocation  
26 and contract overages contingency allowances shall be based on  
27 documented historical patterns. These contingency amounts  
28 shall be incorporated in the certification for each specific  
29 category, but when a category has an excess and another  
30 category has a deficiency, the Executive Office of the  
31

1 Governor is authorized to transfer the excess to the deficient  
2 account.

3 ~~(f) Notwithstanding the provisions of ss. 216.181(1),~~  
4 ~~216.292, and 216.351, the Executive Office of the Governor may~~  
5 ~~amend that portion of the department's original approved fixed~~  
6 ~~capital outlay budget which comprises the work program~~  
7 ~~pursuant to subsection (7). Increase in spending authority in~~  
8 ~~paragraph (c) shall be limited to amounts of unexpended~~  
9 ~~balances by appropriation category.~~

10 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

11 (a) Notwithstanding the provisions of ss. ~~216.181(1),~~  
12 ~~216.292,~~ and 216.351, the adopted work program may be amended  
13 only pursuant to the provisions of this subsection.

14 (b) The department may not transfer any funds for any  
15 project or project phase between department districts.  
16 However, a district secretary may agree to a loan of funds to  
17 another district, if:

18 1. The funds are used solely to maximize the use or  
19 amount of funds available to the state;

20 2. The loan agreement is executed in writing and is  
21 signed by the district secretaries of the respective  
22 districts;

23 3. Repayment of the loan is to be made within 3 years  
24 after the date on which the agreement was entered into; and

25 4. The adopted work program of the district loaning  
26 the funds would not be substantially impaired if the loan were  
27 made, according to the district secretary.

28  
29 The loan constitutes an amendment to the adopted work program  
30 and is subject to the procedures specified in paragraph (b)

31 ~~(c)~~ .

1           (c) The department may amend the adopted work program  
2 to transfer fixed capital outlay appropriations for projects  
3 within the same appropriations category or between  
4 appropriations categories, including ~~department, except that~~  
5 the following amendments which shall be subject to the  
6 procedures in paragraph (d):

7           1. Any amendment which deletes any project or project  
8 phase;

9           2. Any amendment which adds a project estimated to  
10 cost over \$150,000 in funds appropriated by the Legislature;

11           3. Any amendment which advances or defers to another  
12 fiscal year, a right-of-way phase, a construction phase, or a  
13 public transportation project phase estimated to cost over  
14 \$500,000 in funds appropriated by the Legislature, except an  
15 amendment advancing or deferring a phase for a period of 90  
16 days or less; or

17           4. Any amendment which advances or defers to another  
18 fiscal year, any preliminary engineering phase or design phase  
19 estimated to cost over \$150,000 in funds appropriated by the  
20 Legislature, except an amendment advancing or deferring a  
21 phase for a period of 90 days or less.

22           (d)1. Whenever the department proposes any amendment  
23 to the adopted work program, which amendment is defined in  
24 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or  
25 subparagraph (c)4., it shall submit the proposed amendment to  
26 the Governor for approval and shall immediately notify the  
27 chairs of the legislative appropriations committees, the  
28 chairs of the legislative transportation committees, each  
29 member of the Legislature who represents a district affected  
30 by the proposed amendment, each metropolitan planning  
31 organization affected by the proposed amendment, and each unit

1 of local government affected by the proposed amendment. Such  
2 proposed amendment shall provide a complete justification of  
3 the need for the proposed amendment.

4 2. The Governor shall not approve a proposed amendment  
5 until 14 days following the notification required in  
6 subparagraph 1.

7 3. If either of the chairs of the legislative  
8 appropriations committees or the President of the Senate or  
9 the Speaker of the House of Representatives objects in writing  
10 to a proposed amendment within 14 days following notification  
11 and specifies the reasons for such objection, the Governor  
12 shall disapprove the proposed amendment ~~or shall submit the~~  
13 ~~proposed amendment to the Administration Commission. The~~  
14 ~~proposed amendment may be approved by the Administration~~  
15 ~~Commission by a two thirds vote of the members present with~~  
16 ~~the Governor voting in the affirmative. In the absence of~~  
17 ~~approval by the commission, the proposed amendment shall be~~  
18 ~~automatically disapproved.~~

19 (e) Notwithstanding the requirements in paragraphs  
20 ~~paragraph~~ (d) and (g) and ss. 216.177(2) and 216.351, the  
21 secretary may request the Executive Office of the Governor to  
22 amend the adopted work program when an emergency exists, as  
23 defined in s. 252.34(3), and the emergency relates to the  
24 repair or rehabilitation of any state transportation facility.  
25 The Executive Office of the Governor may approve the amendment  
26 to the adopted work program and amend that portion of the  
27 department's approved budget in the event that the delay  
28 incident to the notification requirements in paragraph (d)  
29 would be detrimental to the interests of the state. However,  
30 the department shall immediately notify the parties specified  
31 in paragraph (d) and shall provide such parties written

1 justification for the emergency action within 7 days of the  
2 approval by the Executive Office of the Governor of the  
3 amendment to the adopted work program and the department's  
4 budget. In no event may the adopted work program be amended  
5 under the provisions of this subsection without the  
6 certification by the comptroller of the department that there  
7 are sufficient funds available pursuant to the 36-month cash  
8 forecast and applicable statutes.

9 (f) The department may authorize the investment of the  
10 earnings accrued and collected upon the investment of the  
11 minimum balance of funds required to be maintained in the  
12 State Transportation Trust Fund pursuant to paragraph (b).  
13 Such investment shall be limited as provided in s.  
14 288.9607(7).

15 (g) Any work program amendment which also requires the  
16 transfer of fixed capital outlay appropriations between  
17 categories within the department or the increase of an  
18 appropriation category is subject to the approval of the  
19 Legislative Budget Commission. If a meeting of the Legislative  
20 Budget Commission cannot be held within 30 days of the  
21 department submitting an amendment to the Legislative Budget  
22 Commission, then the chair and vice chair of the Legislative  
23 Budget Commission may authorize such amendment to be approved  
24 pursuant to the provisions of s. 216.177.

25 Section 48. Subsection (2) of section 373.6065,  
26 Florida Statutes, is amended to read:

27 373.6065 Adoption benefits for water management  
28 district employees.--

29 (2) The Chief Financial Officer and the Department of  
30 Management Services shall transfer funds to water management  
31 districts to pay eligible water management district employees

1 for these child adoption monetary benefits in accordance with  
2 s. 215.32(2)(c)5.~~(1)(c)5.~~, as long as funds remain available  
3 for the program described under s. 110.152.

4 Section 49. Subsection (3) of section 381.0303,  
5 Florida Statutes, is amended to read:

6 381.0303 Health practitioner recruitment for special  
7 needs shelters.--

8 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The  
9 Department of Health shall reimburse, subject to the  
10 availability of funds for this purpose, health care  
11 practitioners, as defined in s. 456.001, provided the  
12 practitioner is not providing care to a patient under an  
13 existing contract, and emergency medical technicians and  
14 paramedics licensed pursuant to chapter 401 for medical care  
15 provided at the request of the department in special needs  
16 shelters or at other locations during times of emergency or  
17 major disaster. Reimbursement for health care practitioners,  
18 except for physicians licensed pursuant to chapter 458 or  
19 chapter 459, shall be based on the average hourly rate that  
20 such practitioners were paid according to the most recent  
21 survey of Florida hospitals conducted by the Florida Hospital  
22 Association. Reimbursement shall be requested on forms  
23 prepared by the Department of Health. If a Presidential  
24 Disaster Declaration has been made, and the Federal Government  
25 makes funds available, the department shall use such funds for  
26 reimbursement of eligible expenditures. In other situations,  
27 or if federal funds do not fully compensate the department for  
28 reimbursement made pursuant to this section, the department  
29 shall process ~~submit to the Cabinet or Legislature, as~~  
30 ~~appropriate,~~ a budget amendment to obtain reimbursement from  
31 unobligated, unappropriated moneys in the General Revenue

1 ~~working capital~~ Fund. Travel expense and per diem costs shall  
2 be reimbursed pursuant to s. 112.061.

3 Section 50. Subsection (3) of section 392.69, Florida  
4 Statutes, is amended to read:

5 392.69 Appropriation, sinking, and maintenance trust  
6 funds; additional powers of the department.--

7 (3) In the execution of its public health program  
8 functions, notwithstanding s. 216.292(2)(b)2.(4)(b), the  
9 department is hereby authorized to use any sums of money which  
10 it may heretofore have saved or which it may hereafter save  
11 from its regular operating appropriation, or use any sums of  
12 money acquired by gift or grant, or any sums of money it may  
13 acquire by the issuance of revenue certificates of the  
14 hospital to match or supplement any state or federal funds, or  
15 any moneys received by said department by gift or otherwise,  
16 for the construction or maintenance of additional facilities  
17 or improvement to existing facilities, as the department deems  
18 necessary.

19 Section 51. Subsection (5) of section 409.906, Florida  
20 Statutes, is amended to read:

21 409.906 Optional Medicaid services.--Subject to  
22 specific appropriations, the agency may make payments for  
23 services which are optional to the state under Title XIX of  
24 the Social Security Act and are furnished by Medicaid  
25 providers to recipients who are determined to be eligible on  
26 the dates on which the services were provided. Any optional  
27 service that is provided shall be provided only when medically  
28 necessary and in accordance with state and federal law.  
29 Optional services rendered by providers in mobile units to  
30 Medicaid recipients may be restricted or prohibited by the  
31 agency. Nothing in this section shall be construed to prevent



1 or limit the agency from adjusting fees, reimbursement rates,  
2 lengths of stay, number of visits, or number of services, or  
3 making any other adjustments necessary to comply with the  
4 availability of moneys and any limitations or directions  
5 provided for in the General Appropriations Act or chapter 216.  
6 If necessary to safeguard the state's systems of providing  
7 services to elderly and disabled persons and subject to the  
8 notice and review provisions of s. 216.177, the Governor may  
9 direct the Agency for Health Care Administration to amend the  
10 Medicaid state plan to delete the optional Medicaid service  
11 known as "Intermediate Care Facilities for the Developmentally  
12 Disabled." Optional services may include:

13 (5) CASE MANAGEMENT SERVICES.--The agency may pay for  
14 primary care case management services rendered to a recipient  
15 pursuant to a federally approved waiver, and targeted case  
16 management services for specific groups of targeted  
17 recipients, for which funding has been provided and which are  
18 rendered pursuant to federal guidelines. The agency is  
19 authorized to limit reimbursement for targeted case management  
20 services in order to comply with any limitations or directions  
21 provided for in the General Appropriations Act.

22 ~~Notwithstanding s. 216.292, the Department of Children and~~  
23 ~~Family Services may transfer general funds to the Agency for~~  
24 ~~Health Care Administration to fund state match requirements~~  
25 ~~exceeding the amount specified in the General Appropriations~~  
26 ~~Act for targeted case management services.~~

27 Section 52. Subsection (11) of section 409.912,  
28 Florida Statutes, is amended to read:

29 409.912 Cost-effective purchasing of health care.--The  
30 agency shall purchase goods and services for Medicaid  
31 recipients in the most cost-effective manner consistent with

1 the delivery of quality medical care. To ensure that medical  
2 services are effectively utilized, the agency may, in any  
3 case, require a confirmation or second physician's opinion of  
4 the correct diagnosis for purposes of authorizing future  
5 services under the Medicaid program. This section does not  
6 restrict access to emergency services or poststabilization  
7 care services as defined in 42 C.F.R. part 438.114. Such  
8 confirmation or second opinion shall be rendered in a manner  
9 approved by the agency. The agency shall maximize the use of  
10 prepaid per capita and prepaid aggregate fixed-sum basis  
11 services when appropriate and other alternative service  
12 delivery and reimbursement methodologies, including  
13 competitive bidding pursuant to s. 287.057, designed to  
14 facilitate the cost-effective purchase of a case-managed  
15 continuum of care. The agency shall also require providers to  
16 minimize the exposure of recipients to the need for acute  
17 inpatient, custodial, and other institutional care and the  
18 inappropriate or unnecessary use of high-cost services. The  
19 agency may mandate prior authorization, drug therapy  
20 management, or disease management participation for certain  
21 populations of Medicaid beneficiaries, certain drug classes,  
22 or particular drugs to prevent fraud, abuse, overuse, and  
23 possible dangerous drug interactions. The Pharmaceutical and  
24 Therapeutics Committee shall make recommendations to the  
25 agency on drugs for which prior authorization is required. The  
26 agency shall inform the Pharmaceutical and Therapeutics  
27 Committee of its decisions regarding drugs subject to prior  
28 authorization. The agency is authorized to limit the entities  
29 it contracts with or enrolls as Medicaid providers by  
30 developing a provider network through provider credentialing.  
31 The agency may limit its network based on the assessment of

1 beneficiary access to care, provider availability, provider  
2 quality standards, time and distance standards for access to  
3 care, the cultural competence of the provider network,  
4 demographic characteristics of Medicaid beneficiaries,  
5 practice and provider-to-beneficiary standards, appointment  
6 wait times, beneficiary use of services, provider turnover,  
7 provider profiling, provider licensure history, previous  
8 program integrity investigations and findings, peer review,  
9 provider Medicaid policy and billing compliance records,  
10 clinical and medical record audits, and other factors.  
11 Providers shall not be entitled to enrollment in the Medicaid  
12 provider network. The agency is authorized to seek federal  
13 waivers necessary to implement this policy.

14 (11) The agency, after notifying the Legislature, may  
15 apply for waivers of applicable federal laws and regulations  
16 as necessary to implement more appropriate systems of health  
17 care for Medicaid recipients and reduce the cost of the  
18 Medicaid program to the state and federal governments and  
19 shall implement such programs, after legislative approval,  
20 within a reasonable period of time after federal approval.  
21 These programs must be designed primarily to reduce the need  
22 for inpatient care, custodial care and other long-term or  
23 institutional care, and other high-cost services.

24 ~~(a)~~ Prior to seeking legislative approval of such a  
25 waiver as authorized by this subsection, the agency shall  
26 provide notice and an opportunity for public comment. Notice  
27 shall be provided to all persons who have made requests of the  
28 agency for advance notice and shall be published in the  
29 Florida Administrative Weekly not less than 28 days prior to  
30 the intended action.

31

1           ~~(b) Notwithstanding s. 216.292, funds that are~~  
2 ~~appropriated to the Department of Elderly Affairs for the~~  
3 ~~Assisted Living for the Elderly Medicaid waiver and are not~~  
4 ~~expended shall be transferred to the agency to fund~~  
5 ~~Medicaid reimbursed nursing home care.~~

6           Section 53. Section 409.16745, Florida Statutes, is  
7 amended to read:

8           409.16745 Community partnership matching grant  
9 program.--It is the intent of the Legislature to improve  
10 services and local participation in community-based care  
11 initiatives by fostering community support and providing  
12 enhanced prevention and in-home services, thereby reducing the  
13 risk otherwise faced by lead agencies. There is established a  
14 community partnership matching grant program to be operated by  
15 the Department of Children and Family Services for the purpose  
16 of encouraging local participation in community-based care for  
17 child welfare. Any children's services council or other local  
18 government entity that makes a financial commitment to a  
19 community-based care lead agency is eligible for a grant upon  
20 proof that the children's services council or local government  
21 entity has provided the selected lead agency at least \$250,000  
22 from any local resources otherwise available to it. The total  
23 amount of local contribution may be matched on a two-for-one  
24 basis up to a maximum amount of \$2 million per council or  
25 local government entity. Awarded matching grant funds may be  
26 used for any prevention or in-home services provided by the  
27 children's services council or other local government entity  
28 that meets temporary-assistance-for-needy-families'  
29 eligibility requirements and can be reasonably expected to  
30 reduce the number of children entering the child welfare  
31 system. ~~To ensure necessary flexibility for the development,~~

1 ~~start up, and ongoing operation of community based care~~  
2 ~~initiatives, the notice period required for any budget action~~  
3 ~~authorized by the provisions of s. 20.19(5)(b), is waived for~~  
4 ~~the family safety program; however, the Department of Children~~  
5 ~~and Family Services must provide copies of all such actions to~~  
6 ~~the Executive Office of the Governor and Legislature within 72~~  
7 ~~hours of their occurrence.~~ Funding available for the matching  
8 grant program is subject to legislative appropriation of  
9 nonrecurring funds provided for the purpose.

10 Section 54. Subsection (2) of section 468.392, Florida  
11 Statutes, is amended to read:

12 468.392 Auctioneer Recovery Fund.--There is created  
13 the Auctioneer Recovery Fund as a separate account in the  
14 Professional Regulation Trust Fund. The fund shall be  
15 administered by the Florida Board of Auctioneers.

16 (2) All payments and disbursements from the Auctioneer  
17 Recovery Fund shall be made by the Chief Financial Officer  
18 upon a voucher signed by the Secretary of Business and  
19 Professional Regulation or the secretary's designee. ~~Amounts~~  
20 ~~transferred to the Auctioneer Recovery Fund shall not be~~  
21 ~~subject to any limitation imposed by an appropriation act of~~  
22 ~~the Legislature.~~

23 Section 55. Subsection (6) of section 475.484, Florida  
24 Statutes, is amended to read:

25 475.484 Payment from the fund.--

26 (6) All payments and disbursements from the Real  
27 Estate Recovery Fund shall be made by the Chief Financial  
28 Officer upon a voucher signed by the secretary of the  
29 department. ~~Amounts transferred to the Real Estate Recovery~~  
30 ~~Fund shall not be subject to any limitation imposed by an~~  
31 ~~appropriation act of the Legislature.~~

1           Section 56. Paragraph (b) of subsection (7) of section  
2 631.141, Florida Statutes, is amended to read:

3           631.141 Conduct of delinquency proceeding; domestic  
4 and alien insurers.--

5           (7)

6           (b) In the event that initiation of delinquency  
7 proceedings does not result in appointment of the department  
8 as receiver, or in the event that the funds or assets of an  
9 insurer for which the department is appointed as receiver are  
10 insufficient to cover the cost of compensation to special  
11 agents, counsel, clerks, or assistants and all expenses of  
12 taking, or attempting to take, possession of the insurer, and  
13 of conducting the proceeding, there is appropriated, upon  
14 approval of the Chief Financial Officer and of the Legislative  
15 Budget Commission pursuant to chapter 216, from the Insurance  
16 Regulation Trust Fund to the Division of Rehabilitation and  
17 Liquidation a sum that is sufficient to cover the unreimbursed  
18 costs.

19           Section 57. Paragraph (b) of subsection (9) of section  
20 921.001, Florida Statutes, is amended to read:

21           921.001 Sentencing Commission and sentencing  
22 guidelines generally.--

23           (9)

24           (b) On or after January 1, 1994, any legislation  
25 which:

- 26           1. Creates a felony offense;
- 27           2. Enhances a misdemeanor offense to a felony offense;
- 28           3. Moves a felony offense from a lesser offense  
29 severity level to a higher offense severity level in the  
30 offense severity ranking chart in s. 921.0012; or

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1           4. Reclassifies an existing felony offense to a  
2 greater felony classification  
3  
4 must provide that such a change result in a net zero sum  
5 impact in the overall prison population, as determined by the  
6 Legislature, considering the most recent estimates of the  
7 Criminal Justice Estimating Conference, unless the legislation  
8 contains a funding source sufficient in its base or rate to  
9 accommodate such change or a provision which specifically  
10 abrogates the application of this paragraph.

11           Section 58. Subsection (3) of section 943.61, Florida  
12 Statutes, is amended to read:

13           943.61 Powers and duties of the Capitol Police.--

14           (3) ~~Notwithstanding the provisions of chapter 216, no~~  
15 ~~assets, personnel, or resources shall be taken from the~~  
16 ~~Capitol Police, and no appropriation to the Capitol Police~~  
17 ~~shall be reduced without the express approval of the Governor~~  
18 ~~and the Legislative Budget Commission.~~ Nothing herein limits  
19 the ability of the Capitol Police to provide mutual aid to  
20 other law enforcement agencies as authorized by law unless  
21 such a limitation is expressly included in the operational  
22 security plans provided for herein.

23           Section 59. Paragraph (a) of subsection (4) of section  
24 1003.03, Florida Statutes, is amended to read:

25           1003.03 Maximum class size.--

26           (4) ACCOUNTABILITY.--

27           (a) Beginning in the 2003-2004 fiscal year, if the  
28 department determines for any year that a school district has  
29 not reduced average class size as required in subsection (2)  
30 at the time of the third FEFP calculation, the department  
31 shall calculate an amount from the class size reduction

1 operating categorical which is proportionate to the amount of  
2 class size reduction not accomplished. Upon verification of  
3 the department's calculation by the Florida Education Finance  
4 Program Appropriation Allocation Conference, the Executive  
5 Office of the Governor shall transfer undistributed funds  
6 equivalent to the calculated amount from the district's class  
7 size reduction operating categorical to an approved fixed  
8 capital outlay appropriation for class size reduction in the  
9 affected district pursuant to s. 216.292(2)(d)~~(13)~~. The amount  
10 of funds transferred shall be the lesser of the amount  
11 verified by the Florida Education Finance Program  
12 Appropriation Allocation Conference or the undistributed  
13 balance of the district's class size reduction operating  
14 categorical. However, based upon a recommendation by the  
15 Commissioner of Education that the State Board of Education  
16 has reviewed evidence indicating that a district has been  
17 unable to meet class size reduction requirements despite  
18 appropriate effort to do so, the Legislative Budget Commission  
19 may approve an alternative amount of funds to be transferred  
20 from the district's class size reduction operating categorical  
21 to its approved fixed capital outlay account for class size  
22 reduction.

23 Section 60. Paragraph (a) of subsection (1) of section  
24 1009.536, Florida Statutes, is amended to read:

25 1009.536 Florida Gold Seal Vocational Scholars  
26 award.--The Florida Gold Seal Vocational Scholars award is  
27 created within the Florida Bright Futures Scholarship Program  
28 to recognize and reward academic achievement and career  
29 preparation by high school students who wish to continue their  
30 education.

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1           (1) A student is eligible for a Florida Gold Seal  
2 Vocational Scholars award if the student meets the general  
3 eligibility requirements for the Florida Bright Futures  
4 Scholarship Program and the student:

5           (a) Completes the secondary school portion of a  
6 sequential program of studies that requires at least three  
7 secondary school career credits taken over at least 2 academic  
8 years, and is continued in a planned, related postsecondary  
9 education program. If the student's school does not offer such  
10 a two-plus-two or tech-prep program, the student must complete  
11 a job-preparatory career education program selected by ~~the~~  
12 ~~Workforce Estimating Conference or~~ Workforce Florida, Inc.,  
13 for its ability to provide high-wage employment in an  
14 occupation with high potential for employment opportunities.  
15 On-the-job training may not be substituted for any of the  
16 three required career credits.

17           Section 61. Subsection (2) of section 1013.512,  
18 Florida Statutes, is amended to read:

19           1013.512 Land Acquisition and Facilities Advisory  
20 Board.--

21           (2) If the director of the Office of Program Policy  
22 Analysis and Government Accountability (OPPAGA) or the Auditor  
23 General determines in a review or examination that significant  
24 deficiencies exist in a school district's land acquisition and  
25 facilities operational processes, he or she shall certify to  
26 the President of the Senate, the Speaker of the House of  
27 Representatives, the Legislative Budget Commission, and the  
28 Governor that the deficiency exists. Upon recommendation by  
29 the Governor, the Legislative Budget Commission shall approve  
30 or disapprove the placement of ~~determine whether funds for the~~  
31

1 school district ~~funds will be placed~~ in reserve until the  
2 deficiencies are corrected.

3           Section 62. Any undisbursed appropriations made from  
4 the Working Capital Fund, previously created in section  
5 215.32, Florida Statutes, are reappropriated from unallocated  
6 moneys in the General Revenue Fund; any appropriations made to  
7 the Working Capital Fund are reappropriated to the General  
8 Revenue Fund; and any references to the Working Capital Fund  
9 in SB 2600 or SB 2602, or similar legislation, shall be  
10 replaced with "the General Revenue Fund." It is the intent of  
11 the Legislature that the provisions of this section control in  
12 the event SB 2600 or SB 2602, or other similar legislation,  
13 are enacted subsequently during the 2005 Regular Session. This  
14 section expires July 1, 2006.

15           Section 63. Sections 216.1825, 216.183, and 288.1234,  
16 Florida Statutes, are repealed.

17           Section 64. Except as otherwise provided herein, this  
18 act shall take effect July 1, 2005.

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