

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Ways and Means Committee

BILL: CS/SB 1716

INTRODUCER: Ways and Means Committee and Senator Atwater

SUBJECT: State Planning and Budgeting

DATE: March 23, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Gilreath</u>	<u>Johansen</u>	<u>GE</u>	Favorable
2.	<u>McVaney</u>	<u>Coburn</u>	<u>WM</u>	Fav/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill revises statutes relating to the Legislative Budget Commission to be consistent with Senate Joint Resolution 2144. The Commission will continue to operate essentially as it does now. Membership remains at 7 senators and 7 representatives. The chair of the commission will be appointed in alternate years by the President of the Senate and the vice chair appointed by the Speaker of the House of Representatives (instead of the chairs of the appropriations committees serving as chair and vice chair); in alternate years, appointing authority is reversed.

The bill directs the commission to develop a long-range 3-year financial outlook which will be updated each year with each state agency providing information to support the commission's development and updates of the long-range financial outlook. The bill prescribes a plan to ensure an integrated state planning and budget process to assure consistency between the agency's long-range plan and the agency's legislative budget request.

The bill also creates a Government Efficiency Task Force in 2007, and every 4 years thereafter, composed of legislators and private sector appointees, to make recommendations to improve government and reduce costs.

The bill clarifies that the Financial Impact Estimating Conference is subject to the legislative rules of notice and openness to the public.

The bill takes effect upon the effective date of the amendment to the State Constitution contained in Senate Joint Resolution 2144, or a similar constitutional amendment.

The bill amends sections 11.90, 29.0095, 100.371, 216.011, 216.012, 216.023, 216.065, 216.162, and 216.178, and creates section 11.91, Florida Statutes.

II. Present Situation:

The Legislative Budget Commission (Commission) was created in 2000 primarily to consider budget amendments proposed by the Governor and to conduct zero-based budget reviews of state agencies. Its authority has been expanded since then to encompass a number of actions that require legislative review during the interim between sessions. The most significant expansion of the Commission's authority occurred in 2001 when it was delegated the authority to consider a broader array of budget amendments, including those increasing or transferring trust fund budget authority in excess of \$1 million.

Currently, the Commission is not charged with the responsibility or duty to issue a long-range financial outlook establishing fiscal strategies for the state and its departments and agencies. Each department and agency of state government is required to submit a planning document and supporting budget request for review by the appropriations committees of both houses. The present review only contemplates a comparison of the major issues in the planning document and budget requests to those major issues included in the governor's recommended budget.

The Commission also performs other miscellaneous functions.

III. Effect of Proposed Changes:

This bill conforms current statutes concerning the Commission to the provisions of Senate Joint Resolution 2144 (2005).

Section 1 amends s. 11.90, F.S., to revise the law creating the Legislative Budget Commission, consistent with the requirements of Senate Joint Resolution 2144 (2005). The Commission will continue to operate essentially as it does now. Membership remains at 7 senators and 7 representatives. The chairperson of the commission will be appointed by the President of the Senate and the vice chairperson appointed by the Speaker of the House of Representatives (instead of the chairs of the appropriations committees); in alternate years, the chairperson of the commission will be appointed by the Speaker of the House of Representatives and the vice chairperson appointed by the President of the Senate. The Commission will convene at the call of the presiding officers (instead of the chair and vice chair). A quorum will continue to be a majority of the members from each house plus one additional member of either house. The Commission will be staffed by legislative staff (instead of appropriations committee staff).

The Commission will have the power and duty to:

- 1) review and approve budget amendments proposed by the Governor or the Chief Justice of the Supreme Court as provided in Chapter 216, F.S.;
- 2) develop the long-range financial outlook required by the Senate Joint Resolution; and
- 3) review information resource management needs identified in agency long-range plans to ensure consistency with the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office; and
- 4) exercise all other powers and perform any other duties prescribed by the Legislature.

Section 2 creates s. 11.91, F.S., to create the Government Efficiency Task Force required in the Senate Joint Resolution. The task force will convene no later than January 2007, and each fourth year thereafter. The task force will be composed of 15 members. Five members each will be appointed by the President of the Senate, Speaker of the House of Representatives, and Governor. Members of the task force may include private sector representatives. The joint task force will elect a chair from among its members. The joint task force will meet at least quarterly at the call of the chair and may conduct its meetings through teleconferences or other similar means. Task force staff will be assigned by the Governor, the President of the Senate, and the Speaker of the House of Representatives. The task force will develop recommendations for improving governmental operations and reducing costs and complete its work within one year. The task force may submit all or part of its recommendations at any time during the year but a final report summarizing its recommendations must be submitted at the completion of its work to the chair and vice-chair of the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court.

Section 3 amends s. 29.0095, F.S., to require the legislative appropriations committees, instead of the Commission, to set the format for budget expenditure reports.

Section 4 amends s. 100.371, F.S., to clarify that the Financial Impact Estimating Conference is a part of the legislative branch and, as such, is subject to the legislative rules of notice and openness to the public.

Section 5 amends s. 216.011, F.S., to broaden the definition of "consultation" to include communications between government officials. In addition, "long-range financial outlook" is defined consistent with the requirements of the Senate Joint Resolution as the 3-year outlook, updated annually using official information on revenues and expenditures.

Section 6 creates s. 216.012, F.S., to require the Commission to develop the long-range financial outlook required in the Senate Joint Resolution. The Commission will issue the final financial outlook by September 15 but may provide any additions or adjustments based on information not previously available.

Section 7 amends s. 216.023, F.S., to require that the legislative budget instructions provide for consistency between agency long-range plans and agency legislative budget requests.

Section 8 amends s. 216.065, F.S., to require an agency to provide to the Commission and legislative appropriations committees a fiscal impact statement that details the effect of any action taken by the Governor, Governor and Cabinet, state agency, or statutorily authorized entity, that will affect revenues, require a request for an increased or new appropriation in the following 3 fiscal years (rather than just the next fiscal year), or transfer current year funds, before such action is taken.

Section 9 amends s. 216.162, F.S., to allow the Governor's recommended budget to be furnished to the Legislature later than 30 days before the scheduled annual legislative session if the later date is requested by the Governor and approved in writing by the President of the Senate and the Speaker of the House of Representatives.

Section 10 amends s. 216.178, F.S., to extend the time for the production of the final budget report to 120 days after the beginning of the fiscal year. The final budget report reflects net appropriations for each budget item, as well as expenditures, revenues, and cash balances for the prior two years and estimated expenditures, revenues, and cash balances for the current year.

Section 11 provides that the bill will take effect on the effective date of Senate Joint Resolution 2144 (2005) – January 2, 2007 (see section 5(c) of Article XI of the Florida Constitution). This bill is contingent upon the amendment being approved by the electorate.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
