

By Senator Atwater

25-374B-06

1 A bill to be entitled
2 An act relating to state planning and
3 budgeting; amending s. 11.90, F.S.; revising
4 the membership of the Legislative Budget
5 Commission; providing for the appointment of
6 presiding officers; revising requirements for
7 meetings and a quorum; revising requirements
8 for appointing the staff of the commission;
9 requiring the commission to review budget
10 amendments recommended by the Governor or Chief
11 Justice; authorizing the commission to perform
12 other duties prescribed by the Legislature;
13 creating s. 11.91, F.S.; creating the
14 Government Efficiency Task Force for the
15 purpose of recommending improvements to
16 governmental operations and cost reductions;
17 providing for the Governor, the President of
18 the Senate, and the Speaker of the House of
19 Representatives to appoint its members;
20 requiring that the task force meet at 4-year
21 intervals beginning on a specified date;
22 authorizing the task force to conduct meetings
23 through teleconferences; providing for members
24 to be reimbursed for per diem and travel
25 expenses; requiring the task force to complete
26 its work within 1 year and report to the
27 Legislative Budget Commission, the Governor,
28 and the Chief Justice of the Supreme Court;
29 amending s. 29.0095, F.S.; requiring the
30 legislative appropriations committees to
31 prescribe the format of budget expenditure

1 reports; amending s. 100.371, F.S.; specifying
2 that the Financial Impact Estimating Conference
3 is within the legislative branch of government
4 and under the direction of the President of the
5 Senate and the Speaker of the House of
6 Representatives; revising provisions governing
7 public meetings of the conference; amending s.
8 216.011, F.S.; redefining the term
9 "consultation" and defining the term
10 "long-range financial outlook" for purposes of
11 state fiscal affairs; creating s. 216.012,
12 F.S.; providing requirements for the long-range
13 financial outlook prepared by the Legislative
14 Budget Commission; requiring state agencies to
15 provide certain information; prescribing
16 authority of the commission with respect to
17 such information; specifying timeframes for the
18 commission in completing the long-range
19 financial outlook; amending s. 216.023, F.S.;
20 clarifying certain requirements for legislative
21 budget instructions; amending s. 216.065, F.S.;
22 requiring that fiscal impact statements be
23 provided to the Legislative Budget Commission
24 in addition to the legislative appropriations
25 committees; requiring that such statements
26 contain information concerning subsequent
27 fiscal years; amending s. 216.162, F.S.;
28 revising the date for the Governor's
29 recommended budget to be furnished to the
30 Legislature; authorizing the presiding officers
31 of the Legislature to approve submission of the

1 Governor's recommended budget at a later date
2 than otherwise required; amending s. 216.178,
3 F.S.; extending the deadline for production of
4 the final budget; providing a contingent
5 effective date.
6

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

9 Section 1. Section 11.90, Florida Statutes, is amended
10 to read:

11 11.90 Legislative Budget Commission.--

12 (1) There is created the Legislative Budget
13 Commission, which is the joint Legislative Budget Commission
14 created in s. 19, Art. III of the State Constitution, composed
15 of seven members of the Senate appointed by the President of
16 the Senate and seven members of the House of Representatives
17 appointed by the Speaker of the House of Representatives. Each
18 member shall serve at the pleasure of the officer who
19 appointed the member. A vacancy on the commission shall be
20 filled in the same manner as the original appointment. From
21 November of each odd-numbered year through October of each
22 even-numbered year, the chairperson of the commission shall be
23 appointed by the President of the Senate and the vice
24 chairperson of the commission shall be appointed by the
25 Speaker of the House of Representatives. From November of each
26 even-numbered year through October of each odd-numbered year,
27 the chairperson of the commission shall be appointed by the
28 Speaker of the House of Representatives and the vice
29 chairperson of the commission shall be appointed by the
30 President of the Senate. There is created a standing joint
31 committee of the Legislature designated the Legislative Budget

1 ~~Commission, composed of 14 members as follows: seven members~~
2 ~~of the Senate appointed by the President of the Senate, to~~
3 ~~include the chair of the Senate Budget Committee or its~~
4 ~~successor, and seven members of the House of Representatives~~
5 ~~appointed by the Speaker of the House of Representatives, to~~
6 ~~include the chair of the Fiscal Responsibility Council or its~~
7 ~~successor. The terms of members shall be for 2 years and shall~~
8 ~~run from the organization of one Legislature to the~~
9 ~~organization of the next Legislature. Vacancies occurring~~
10 ~~during the interim period shall be filled in the same manner~~
11 ~~as the original appointment. During even numbered years, the~~
12 ~~chair of the commission shall be the chair of the Senate~~
13 ~~Budget Committee or its successor, and the vice chair of the~~
14 ~~commission shall be the chair of the House Fiscal~~
15 ~~Responsibility Council or its successor. During odd numbered~~
16 ~~years, the chair of the commission shall be the chair of the~~
17 ~~House Fiscal Responsibility Council or its successor, and the~~
18 ~~vice chair of the commission shall be the chair of the Senate~~
19 ~~Budget Committee or its successor.~~

20 (2) The Legislative Budget Commission shall be
21 governed by joint rules of the Senate and the House of
22 Representatives which shall remain in effect until repealed or
23 amended by concurrent resolution.

24 (3) The commission shall convene at the call of the
25 President of the Senate and the Speaker of the House of
26 Representatives at least quarterly. A majority of the
27 commission members of each house plus one additional member
28 from either house constitutes a quorum. The commission shall
29 meet at least quarterly. A quorum shall consist of a majority
30 of members from each house, plus one additional member from
31

1 ~~either house.~~ Action by the commission requires a majority
2 vote of the members present of each house.

3 (4) The commission may conduct its meetings through
4 teleconferences or other similar means.

5 (5) The commission shall be staffed by legislative
6 staff members, as assigned by the President of the Senate and
7 the Speaker of the House of Representatives. ~~The commission~~
8 ~~will be jointly staffed by the appropriations committees of~~
9 ~~the House of Representatives and the Senate. During~~
10 ~~even numbered years, the Senate will serve as lead staff, and~~
11 ~~during odd numbered years, the House of Representatives will~~
12 ~~serve as lead staff.~~

13 (6) The commission shall have the power and duty to:

14 (a) Review and approve or disapprove budget amendments
15 recommended by the Governor or the Chief Justice of the
16 Supreme Court as provided in chapter 216. ~~Annually review the~~
17 ~~amount of state debt outstanding and submit to the President~~
18 ~~of the Senate and the Speaker of the House of Representatives~~
19 ~~an estimate of the maximum amount of additional state~~
20 ~~tax supported debt that prudently may be authorized during the~~
21 ~~current fiscal year. The estimate shall be advisory and shall~~
22 ~~in no way bind the Legislature.~~

23 (b) Develop the long-range financial outlook described
24 in s. 19, Art. III of the State Constitution. ~~Promptly after~~
25 ~~receiving the report required by s. 215.98(2)(c), the~~
26 ~~commission shall submit to the President of the Senate and the~~
27 ~~Speaker of the House of Representatives the commission's~~
28 ~~estimate of tax supported debt which prudently may be~~
29 ~~authorized for the next fiscal year, together with a report~~
30 ~~explaining the basis for the estimate.~~

31

1 In addition to the powers and duties specified in this
2 subsection, the commission shall exercise all other powers and
3 perform any other duties prescribed by the Legislature.

4 (7) The commission shall review information resources
5 management needs identified in agency long-range program plans
6 for consistency with the State Annual Report on Enterprise
7 Resource Planning and Management and statewide policies
8 adopted by the State Technology Office. The commission shall
9 also review proposed budget amendments associated with
10 information technology that involve more than one agency, that
11 have an outcome that impacts another agency, or that exceed
12 \$500,000 in total cost over a 1-year period.

13 Section 2. Section 11.91, Florida Statutes, is created
14 to read:

15 11.91 Government Efficiency Task Force.--

16 (1) There is created the Government Efficiency Task
17 Force. The task force shall convene no later than January
18 2007, and each 4th year thereafter. The task force shall be
19 composed of 15 members. Five members shall be appointed by the
20 President of the Senate, five members shall be appointed by
21 the Speaker of the House of Representatives, and five members
22 shall be appointed by the Governor. Members of the task force
23 may include representatives from the private sector, as
24 designated by the President of the Senate, the Speaker of the
25 House of Representatives, and the Governor. Each member shall
26 serve at the pleasure of the officer who appointed the member.
27 A vacancy on the task force shall be filled in the same manner
28 as the original appointment. The terms of the members shall be
29 for 1 year.

30 (2) The task force shall elect a chair from among its
31 members.

1 (3) The task force shall meet as necessary, but at
2 least quarterly, at the call of the chair and at the time and
3 place designated by him or her. The task force may conduct its
4 meetings through teleconferences or other similar means.

5 (4) Members of the task force are entitled to receive
6 reimbursement for per diem and travel expenses pursuant to s.
7 112.061.

8 (5) The task force shall develop recommendations for
9 improving governmental operations and reducing costs. Staff to
10 assist the task force in performing its duties shall be
11 assigned by the President of the Senate, the Speaker of the
12 House of Representatives, and the Governor. The task force
13 shall consider reports issued by the Auditor General, the
14 Office of Program Policy Analysis and Government
15 Accountability, and agency inspectors general in developing
16 its recommendations.

17 (6) The task force shall complete its work within 1
18 year and submit its recommendations to the chairperson and
19 vice chairperson of the Legislative Budget Commission, the
20 Governor, and the Chief Justice of the Supreme Court. The task
21 force may submit all or part of its recommendations at any
22 time during the year, but a final report summarizing its
23 recommendations must be submitted at the completion of its
24 work.

25 Section 3. Subsection (4) of section 29.0095, Florida
26 Statutes, is amended to read:

27 29.0095 Budget expenditure reports.--

28 (4) The appropriations committees of the Senate and
29 the House of Representatives ~~Legislative Budget Commission~~
30 shall prescribe the format of the report required by this
31

1 section in consultation with the Chief Justice and the Justice
2 Administrative Commission.

3 Section 4. Subsection (6) of section 100.371, Florida
4 Statutes, is amended to read:

5 100.371 Initiatives; procedure for placement on
6 ballot.--

7 (6)(a) Within 45 days after receipt of a proposed
8 revision or amendment to the State Constitution by initiative
9 petition from the Secretary of State or, within 30 days after
10 such receipt if receipt occurs 120 days or less before the
11 election at which the question of ratifying the amendment will
12 be presented, the Financial Impact Estimating Conference shall
13 complete an analysis and financial impact statement to be
14 placed on the ballot of the estimated increase or decrease in
15 any revenues or costs to state or local governments resulting
16 from the proposed initiative. The Financial Impact Estimating
17 Conference shall submit the financial impact statement to the
18 Attorney General and Secretary of State.

19 (b)~~1-~~ The Financial Impact Estimating Conference shall
20 provide an opportunity for any proponents or opponents of the
21 initiative to submit information and may solicit information
22 or analysis from any other entities or agencies, including the
23 Office of Economic and Demographic Research.

24 (c) All meetings of the Financial Impact Estimating
25 Conference shall be open to the public ~~as provided in chapter~~
26 ~~286. The President of the Senate and the Speaker of the House~~
27 of Representatives, jointly, shall be the sole judge for the
28 interpretation, implementation, and enforcement of this
29 subsection.

30 ~~1.2-~~ The Financial Impact Estimating Conference is
31 established to review, analyze, and estimate the financial

1 impact of amendments to or revisions of the State Constitution
2 proposed by initiative. The Financial Impact Estimating
3 Conference shall consist of four principals: one person from
4 the Executive Office of the Governor; the coordinator of the
5 Office of Economic and Demographic Research, or his or her
6 designee; one person from the professional staff of the
7 Senate; and one person from the professional staff of the
8 House of Representatives. Each principal shall have
9 appropriate fiscal expertise in the subject matter of the
10 initiative. A Financial Impact Estimating Conference may be
11 appointed for each initiative.

12 ~~2.3-~~ Principals of the Financial Impact Estimating
13 Conference shall reach a consensus or majority concurrence on
14 a clear and unambiguous financial impact statement, no more
15 than 75 words in length, and immediately submit the statement
16 to the Attorney General. Nothing in this subsection prohibits
17 the Financial Impact Estimating Conference from setting forth
18 a range of potential impacts in the financial impact
19 statement. Any financial impact statement that a court finds
20 not to be in accordance with this section shall be remanded
21 solely to the Financial Impact Estimating Conference for
22 redrafting. The Financial Impact Estimating Conference shall
23 redraft the financial impact statement within 15 days.

24 ~~3.4-~~ If the members of the Financial Impact Estimating
25 Conference are unable to agree on the statement required by
26 this subsection, or if the Supreme Court has rejected the
27 initial submission by the Financial Impact Estimating
28 Conference and no redraft has been approved by the Supreme
29 Court by 5 p.m. on the 75th day before the election, the
30 following statement shall appear on the ballot pursuant to s.
31

1 101.161(1): "The financial impact of this measure, if any,
2 cannot be reasonably determined at this time."

3 ~~(d)~~(e) The financial impact statement must be
4 separately contained and be set forth after the ballot summary
5 as required in s. 101.161(1).

6 ~~(e)~~(d)1. Any financial impact statement that the
7 Supreme Court finds not to be in accordance with this
8 subsection shall be remanded solely to the Financial Impact
9 Estimating Conference for redrafting, provided the court's
10 advisory opinion is rendered at least 75 days before the
11 election at which the question of ratifying the amendment will
12 be presented. The Financial Impact Estimating Conference shall
13 prepare and adopt a revised financial impact statement no
14 later than 5 p.m. on the 15th day after the date of the
15 court's opinion.

16 2. If, by 5 p.m. on the 75th day before the election,
17 the Supreme Court has not issued an advisory opinion on the
18 initial financial impact statement prepared by the Financial
19 Impact Estimating Conference for an initiative amendment that
20 otherwise meets the legal requirements for ballot placement,
21 the financial impact statement shall be deemed approved for
22 placement on the ballot.

23 3. In addition to the financial impact statement
24 required by this subsection, the Financial Impact Estimating
25 Conference shall draft an initiative financial information
26 statement. The initiative financial information statement
27 should describe in greater detail than the financial impact
28 statement any projected increase or decrease in revenues or
29 costs that the state or local governments would likely
30 experience if the ballot measure were approved. If
31 appropriate, the initiative financial information statement

1 may include both estimated dollar amounts and a description
2 placing the estimated dollar amounts into context. The
3 initiative financial information statement must include both a
4 summary of not more than 500 words and additional detailed
5 information that includes the assumptions that were made to
6 develop the financial impacts, workpapers, and any other
7 information deemed relevant by the Financial Impact Estimating
8 Conference.

9 4. The Department of State shall have printed, and
10 shall furnish to each supervisor of elections, a copy of the
11 summary from the initiative financial information statements.
12 The supervisors shall have the summary from the initiative
13 financial information statements available at each polling
14 place and at the main office of the supervisor of elections
15 upon request.

16 5. The Secretary of State and the Office of Economic
17 and Demographic Research shall make available on the Internet
18 each initiative financial information statement in its
19 entirety. In addition, each supervisor of elections whose
20 office has a website shall post the summary from each
21 initiative financial information statement on the website.
22 Each supervisor shall include the Internet addresses for the
23 information statements on the Secretary of State's and the
24 Office of Economic and Demographic Research's websites in the
25 publication or mailing required by s. 101.20.

26 Section 5. Paragraph (h) of subsection (1) of section
27 216.011, Florida Statutes, is amended, and paragraph (tt) is
28 added to that subsection, to read:

29 216.011 Definitions.--

30 (1) For the purpose of fiscal affairs of the state,
31 appropriations acts, legislative budgets, and approved

1 budgets, each of the following terms has the meaning
2 indicated:

3 (h) "Consultation" means communication to allow
4 government officials and agencies to deliberate and to seek
5 and provide advice in an open and forthright manner ~~with the~~
6 ~~full committee, a subcommittee thereof, the chair, or the~~
7 ~~staff as deemed appropriate by the chair of the respective~~
8 ~~appropriations committee.~~

9 (tt) "Long-range financial outlook" means a document
10 issued by the Legislative Budget Commission based on a 3-year
11 forecast of revenues and expenditures.

12 Section 6. Section 216.012, Florida Statutes, is
13 created to read:

14 216.012 Long-range financial outlook.--

15 (1) The commission shall develop a long-range 3-year
16 financial outlook and shall update that outlook each year.

17 (2) Each state agency shall provide information to the
18 commission, based on the commission's direction, which
19 supports the commission's development and updates of the
20 long-range financial outlook. The commission has the authority
21 to accept, modify, or direct the agency to modify any
22 information received from an agency.

23 (3) By September 15 of each year, the commission shall
24 complete the long-range financial outlook. The commission may
25 subsequently provide any additions or adjustments to the
26 outlook based on information not previously available.

27 Section 7. Subsection (12) of section 216.023, Florida
28 Statutes, is amended to read:

29 216.023 Legislative budget requests to be furnished to
30 Legislature by agencies.--

31

1 (12) In order to ensure an integrated state planning
2 and budgeting process, the agency long-range plan should be
3 reviewed by the Legislature. The legislative budget request
4 instructions must provide for consistency between the agency's
5 long-range plan and the agency's legislative budget request.

6 Section 8. Section 216.065, Florida Statutes, is
7 amended to read:

8 216.065 Fiscal impact statements on actions affecting
9 the budget.--In addition to the applicable requirements of
10 chapter 120, before the Governor, or Governor and Cabinet as a
11 body, performing any constitutional or statutory duty, or
12 before any state agency or statutorily authorized entity takes
13 any final action that will affect revenues, require a request
14 for an increased or new appropriation in the following 3
15 fiscal years year, or transfer current year funds, it shall
16 first provide the joint Legislative Budget Commission and the
17 legislative appropriations committees with a fiscal impact
18 statement that details the effects of such action on the
19 budget. The fiscal impact statement must specify the estimated
20 budget and revenue impacts for the current year and the 2
21 subsequent fiscal years at the same level of detail required
22 to support a legislative budget request, including amounts by
23 appropriation category and fund.

24 Section 9. Subsection (1) of section 216.162, Florida
25 Statutes, is amended to read:

26 216.162 Governor's recommended budget to be furnished
27 Legislature; copies to members.--

28 (1) At least 30 days before the scheduled annual
29 legislative session, or at a later date if requested by the
30 Governor and approved in writing by the President of the
31 Senate and the Speaker of the House of Representatives, the

1 Governor shall furnish each senator and representative a copy
2 of his or her recommended balanced budget for the state, based
3 on the Governor's own conclusions and judgment; ~~however, in~~
4 ~~his or her first year in office a new Governor may request,~~
5 ~~subject to approval of the President of the Senate and the~~
6 ~~Speaker of the House of Representatives, that his or her~~
7 ~~recommended balanced budget be submitted at a later time prior~~
8 ~~to the Governor's first regular legislative session.~~

9 Section 10. Subsection (2) of section 216.178, Florida
10 Statutes, is amended to read:

11 216.178 General Appropriations Act; format;
12 procedure.--

13 (2) The Office of Planning and Budgeting shall develop
14 a final budget report that reflects the net appropriations for
15 each budget item. The report shall reflect actual
16 expenditures for each of the 2 preceding fiscal years and the
17 estimated expenditures for the current fiscal year. In
18 addition, the report must contain the actual revenues and cash
19 balances for the preceding 2 fiscal years and the estimated
20 revenues and cash balances for the current fiscal year. The
21 report may also contain expenditure data, program objectives,
22 and program measures for each state agency program. The report
23 must be produced by the 120th day of ~~October 15~~ each fiscal
24 year. A copy of the report must be made available to each
25 member of the Legislature, to the head of each state agency,
26 to the Auditor General, to the director of the Office of
27 Program Policy Analysis and Government Accountability, and to
28 the public.

29 Section 11. This act shall take effect upon the
30 effective date of the amendment to the State Constitution
31 contained in Senate Joint Resolution No. 2144, or a similar

1 constitutional amendment, relating to the state budgeting,
2 planning, and appropriations processes.

3
4 *****

5 SENATE SUMMARY

6 Revises various provisions governing the state's planning
7 and budget process for purposes of implementing an
8 amendment to the State Constitution. Revises the
9 membership and duties of the Legislative Budget
10 Commission. Creates the Government Efficiency Task Force,
11 a 15-member task force appointed by the Governor, the
12 President of the Senate, and the Speaker of the House of
13 Representatives, to meet every 4 years to develop
14 recommendations for improving governmental operations and
15 reducing costs. Provides requirements for developing and
16 updating a long-range 3-year state financial outlook.
17 Prescribes the timeframes within which state agencies and
18 the commission are required to develop and complete the
19 long-range financial outlook. (See bill for details.)
20
21
22
23
24
25
26
27
28
29
30
31