

Governor's Budget Recommendation Conforming Bill
State Financial Matters

1 A bill to be entitled

2 An act relating to state financial matters; amending s.
3 216.011 Definitions; clarifying definitions for Fixed
4 Capital Outlay and Other Personal Services; amending s.
5 216.015 Capital facilities planning and budgeting
6 process; clarifying statutory reference and designation;
7 amending s. 216.0158 Assessment of facility needs;
8 striking submission date; amending s. 216.016 Evaluation
9 of plans; determination of financing method; clarifying
10 financing method; amending s. 216.023 Legislative budget
11 requests to be furnished to Legislature by agencies;
12 correcting title; amending s. 216.151 Duties of the
13 Executive Office of the Governor; clarifying process;
14 adding s. 216.152 Federal Funding; amending s. 216.162
15 Governor's recommended budget to be furnished to
16 Legislature; clarifying that copies to members may be
17 issued electronically; amending s. 216.163 Governor's
18 recommended budget; clarifying form and content; amending
19 s. 216.178 General Appropriations Act; clarifying
20 procedure; amending s. 216.179 Reinstatement of vetoed
21 appropriations by administrative means prohibited;
22 providing for allowance to apply for funding under certain
23 circumstances; amending s. 216.181 Approved budgets for
24 operations and fixed capital outlay; allowing for
25 appropriation of Fixed Capital Outlay; providing for
26 thresholds and approval authority; revising the thresholds
27 for budget amendments for Information Technology projects
28 and state trust funds and revising approval authority;
29 clarifying salary rate control level for the Justice

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30 Administration Commission; allowing the Executive Office
31 of the Governor and Chief Justice of the Supreme Court to
32 increase or decrease salary rate subject to 216.177, F.S.;
33 authorizing agencies to provide lump sum bonuses under
34 certain circumstances; increasing the threshold for
35 operating budget increases under certain circumstances;
36 changing the consultation period for certain nonoperating
37 budget from 14 to 7 days; exempting certain budget
38 entities in the Executive Office of the Governor from s.
39 216.181; amending s. 216.1811 Approved operating budgets
40 and appropriations for the legislative branch; authorizing
41 the Executive Office of the Governor to make changes to
42 operating and fixed capital outlay budgets; authorizing
43 the Executive Office of the Governor to carry forward
44 funds; amending s. 216.216 Court settlement funds
45 negotiated by the state; allowing for use of existing
46 funds under certain circumstances; amending 216.251
47 Salary appropriations; limitations; providing for
48 clarification; allowing for pay increases and bonus
49 payments under certain circumstances; amending s. 216.262
50 Authorized positions; authorizing the Department of
51 Corrections to submit a budget amendment for increases in
52 inmate population; amending s. 216.292 Appropriations
53 nontransferable; exceptions; authorizing the Executive
54 Office of the Governor to transfer funds within and
55 between agencies under certain conditions; increasing the
56 threshold for transfers of appropriations; authorizing the
57 transfer of appropriations for reorganizations; amending
58 s. 216.311 Unauthorized contracts in excess of

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59 appropriations; penalty; authoring agencies to request
60 budget increases and transfers under certain conditions;
61 providing an effective date.

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

63 Section 1. Subsection (1) of section 216.011, Florida
64 Statutes, is amended to read:

65 216.011 Definitions.—

66 (1) For the purpose of fiscal affairs of the state,
67 appropriations acts, legislative budgets, and approved budgets,
68 each of the following terms has the meaning indicated:

69
70 (p) "Fixed capital outlay" means the appropriation category used
71 to fund real property (land, buildings, including appurtenances,
72 fixtures and fixed equipment, structures, etc.), including
73 additions, replacements, major repairs, and renovations to real
74 property which materially extend its useful life or materially
75 improve or change its functional use and including furniture and
76 equipment necessary to furnish and operate a new or improved
77 facility, when appropriated by the Legislature in the fixed
78 capital outlay appropriation category. Minor repair and
79 maintenance, which does not materially extend the useful life,
80 or materially improve or change the functional use of a
81 building, may be appropriated in an expense, contracted
82 services, or special appropriation category.

83
84 (aa) "Lump-sum appropriation" means the appropriation category
85 used to fund a specific activity or project which must be
86 transferred to one or more appropriation categories for
87 expenditure. (bb) "Operating capital outlay" means the

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88 appropriation category used to fund equipment, fixtures, and
89 other tangible personal property of a nonconsumable and
90 nonexpendable nature under s. 273.025.

91
92 (cc) "Original approved budget" means the approved plan of
93 operation of an agency or of the judicial branch consistent with
94 the General Appropriations Act or special appropriations acts.

95 (dd) "Other personal services" means the appropriation category
96 used to fund the compensation for services rendered by a person
97 who is not filling an established position. This definition
98 includes, but is not limited to, services of temporary
99 employees, student or graduate assistants, persons on
100 fellowships, part-time academic employees, board members, ~~and~~
101 ~~consultants~~ and other services specifically budgeted by each
102 agency, or by the judicial branch, in this category. In
103 distinguishing between payments to be made from salaries and
104 benefits appropriations and other-personal-services
105 appropriations:

106 1. Those persons filling established positions shall be paid
107 from salaries and benefits appropriations and those persons
108 performing services for a state agency or for the judicial
109 branch, but who are not filling established positions, shall be
110 paid from other-personal-services appropriations.

111 2. Those persons paid from salaries and benefits appropriations
112 shall be state officers or employees and shall be eligible for
113 membership in a state retirement system and those paid from
114 other-personal-services appropriations shall not be eligible for
115 such membership. Other-personal-services employees are eligible

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116 to participate in the alternative retirement income security
117 program pursuant to s. 110.1315.

118 Section 2. Subsections (3) and (4) of section 216.015,
119 Florida Statutes, are amended to read:

120 216.015 Capital facilities planning and budgeting process.-

121 (1) Sections 216.015-216.016 may be cited as the "Capital
122 Facilities Planning and Budgeting Act."

123 (2) The Legislature finds that there is a need to establish
124 a comprehensive capital facilities planning and budgeting
125 process that is fully integrated with the state financial
126 planning and debt management activities and that incorporates
127 the long-range plans of all state agencies and the judicial
128 branch and major public benefit corporations to ensure that
129 projects with the greatest potential for improving the
130 prosperity and well-being of the people of the state receive
131 their proper allocation of limited resources. It is, therefore,
132 the intent of the Legislature in enacting this legislation that
133 a comprehensive capital facilities planning and budgeting
134 process be established and maintained to enable the state to
135 better meet the demands for new and properly maintained
136 infrastructure in a fiscally responsible manner.

137 (3) The comprehensive capital facilities planning and
138 budgeting process requires integration and coordination by all
139 government agencies and by the judicial branch. The process
140 includes:

141 (a) An inventory of current facilities owned, leased, rented, or
142 otherwise occupied by any agency of the state or the judicial
143 branch, pursuant to the requirements in s. 216.0152;

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144 (b) An assessment of current population, economic, social,
145 physical, and environmental trends and conditions that relate to
146 public facilities;

147 (c) A determination of future demographic conditions deemed most
148 appropriate and likely for this state and of a set of goals and
149 objectives;

150 (d) A determination of unmet needs by comparing existing
151 facilities to goals and objectives;

152 (e) A strategic matching of funding options and facility needs
153 to ensure the most effective development strategy; and

154 (f) A management structure that maintains, operates, repairs,
155 renovates, and replaces capital facilities to obtain the maximum
156 value for each public dollar spent.

157 (4) In order to carry out this act, the Executive Office of
158 the Governor, or its designee, ~~is designated as the agency for~~
159 ~~the shall coordinate~~ion, development, direction, monitoring, and
160 ~~evaluation~~ of the comprehensive capital facilities planning and
161 budgeting process, including the plans revised pursuant to that
162 process. The Executive Office of the Governor, or its designee,
163 ~~publish an annual report of the~~ shall compile and maintain
164 records on the progress being made by the state toward meeting
165 the state goals and objectives of the plans.

166 (5) All agencies of government and the judicial branch are
167 directed to extend maximum cooperation and assistance in the
168 furtherance of this program.

169 Section 3. Subsection (1) of section 216.0158, Florida
170 Statutes, is amended to read:

171 216.0158 Assessment of facility needs.—

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172 (1) By analyzing the trends and conditions, goals and
173 objectives, and current facilities inventory, each agency and
174 the judicial branch shall determine its unmet and forecasted
175 future needs.

176 (2) ~~On or before September 15 of each year,~~ Each state
177 agency, as defined in s. 216.011, shall submit to the Executive
178 Office of the Governor, and each district court of appeal and
179 the Marshal of the Supreme Court shall submit to the Chief
180 Justice of the Supreme Court, in a manner prescribed by the
181 legislative budget instructions, a short-term plan for facility
182 needs covering the next 5-year period. The short-term plan shall
183 list the agency's or judicial branch's facility needs in order
184 of priority and shall include preventive maintenance strategies,
185 expected replacement of existing facilities, expected
186 improvements or additions to facilities on a specific project-
187 by-project basis, estimated cost, and other information as
188 prescribed by the legislative budget instructions. The Chief
189 Justice shall certify the final approved plan for the judicial
190 branch to the Executive Office of the Governor which shall
191 include the plan, without modification, in the state
192 comprehensive plan.

193 (3) Based on the plans submitted by each agency or
194 certified by the Chief Justice, the Executive Office of the
195 Governor, or its designee, shall prepare a state comprehensive
196 plan for facility needs and related expenditures. The plan shall
197 provide a 5-year schedule for preventive maintenance,
198 replacement, improvement, or construction of facilities on a
199 specific project-by-project basis.

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200 (4) The first year of the plan referred to in subsection
201 (2) shall comport with the requirements of s. 216.043.

202 (5) Each plan for years 2 through 5 shall provide the
203 following information:

204 (a) A full explanation of the basis for each project, including
205 a description of the function which requires the facility; an
206 explanation of the inability of existing facilities to meet such
207 requirements; historical background; alternatives; and
208 anticipated changes in both initial and continuing operating
209 costs.

210 (b) An application of standards and criteria to establish the
211 scope of each project.

212 (c) An application of cost factors to all elements of each
213 project to establish an estimate of funding requirements.

214 (d) A request for a legislative appropriation to provide such
215 funding in the appropriate fiscal year, including the need for
216 advance funding of programming and design activities.

217 Section 4. Subsection (2) of section 216.016, Florida
218 Statutes, is amended to read:

219 216.016 Evaluation of plans; determination of financing
220 method.—

221 (1) Pursuant to the requirements of s. 216.044, the
222 Department of Management Services shall evaluate state agency
223 plans and plans of the judicial branch.

224 (2) (a) The Executive Office of the Governor shall ~~develop a~~
225 ~~finance plan~~ consider ~~for meeting~~ the financing methods for the
226 state's infrastructure and fixed capital outlay needs, which
227 shall be incorporated into the Governor's recommended budget

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228 submitted to the Legislature pursuant to ss. 216.162 through
229 216.167.

230 (b) The Division of Bond Finance of the State Board of
231 Administration shall work with the Executive Office of the
232 Governor and all agencies and the judicial branch to determine
233 the most cost-beneficial and effective financing methods for the
234 satisfaction of the capital facility needs described or
235 identified in the state comprehensive plan for facility needs.

236 Section 5. Subsection (9) of section 216.023, Florida
237 Statutes, is amended to read:

238 216.023 Legislative budget requests to be furnished to
239 Legislature by agencies.—

240 (9) The legislative budget request from each agency and
241 from the judicial branch shall be reviewed by the Legislature.
242 The review may allow for the opportunity to have information or
243 testimony by the agency, the judicial branch, the Auditor
244 General, the Office of Program Policy Analysis and Government
245 Accountability, the Governor's Office of ~~Planning and Budgeting~~
246 Policy and Budget, and the public regarding the proper level of
247 funding for the agency in order to carry out its mission.

248 (10) In order to ensure an integrated state planning and
249 budgeting process, the agency long-range plan should be reviewed
250 by the Legislature. The legislative budget request instructions
251 must provide for consistency between the agency's long-range
252 plan and the agency's legislative budget request.

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256 Section 6. Section 216.151, Florida Statutes, is amended to
257 read:

258 216.151 Duties of the Executive Office of the Governor.—It
259 shall be the duty of the Executive Office of the Governor in
260 preparing the Governor's recommended budget to:

261 (1) Make a detailed study, as necessary, of each of the
262 several state agencies, with a view toward ascertaining and
263 determining the needs thereof; whether changes should be made in
264 existing organizations, their activities and methods of
265 operation; what appropriation should be made therefor; whether
266 the operations and activities of different agencies or within
267 the same agencies should be combined, consolidated, or
268 integrated or should be regrouped and rearranged, all to the end
269 of securing greater economy without sacrificing efficiency in
270 the operations of such agencies. In order to accomplish this
271 type of study, the Executive Office of the Governor may request
272 any or all agencies to submit a budget plan with respect to
273 targets established by the Governor. Such a request shall not
274 influence the agencies' independent judgments in making
275 legislative budget requests, as required by law.

276 (2) ~~Prepare an analysis~~ Review and analyze the legislative
277 budget requests submitted by state agencies and the judicial
278 branch covering their respective operational and fixed capital
279 outlay requirements.

280 (3) Prepare such other data as will reflect the financial
281 condition of the state and its agencies at the close of the
282 prior fiscal year and an estimate of what that condition will be
283 at the close of the current fiscal year.

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284 (4) ~~Prepare a statement of policy to assure~~Ensure that
285 fixed capital outlay appropriations recommended by the Governor
286 will be consistent with recommended operational standards
287 related to programs and utilization.

288 (5) Provide to the Legislature any information used to
289 justify and evaluate the Governor's recommended balanced budget.

290 (6) ~~Consult with the Office of State-Federal Relations in~~
291 ~~Washington, D.C., under the Executive Office of the Governor, in~~
292 ~~order to:~~

293 ~~(a) Evaluate current levels of federal authorization to~~
294 ~~determine how the state might obtain a more equitable share of~~
295 ~~federal funding.~~

296 ~~(b) Develop a federal-aid formula database in order to~~
297 ~~catalog all existing federal formulas and identify funding~~
298 ~~inequities.~~

299 ~~(c) Establish a federal formula modeling capability, to the~~
300 ~~extent allowable by resources. Such a modeling component should~~
301 ~~be designed in a manner which assists the state and its federal~~
302 ~~representatives in assessing periodic legislation before~~
303 ~~Congress which disseminates financial assistance to state and~~
304 ~~local governments based on a formula or set of formulas.~~

305 ~~(d) Develop and implement a communications network to link~~
306 ~~the Legislature and the executive branch with Florida's~~
307 ~~Congressional Delegation. Such a network should allow for the~~
308 ~~rapid transmittal of:~~

309 ~~1. Data on restructuring formula-based legislation.~~

310 ~~2. Information on block grants and the impact of periodic~~
311 ~~proposals related thereto.~~

312 ~~3. Information relating to federal mandate issues.~~

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313 ~~4. Data pertaining to other matters associated with~~
314 ~~federally derived funds which have an impact upon the state.~~

315 ~~The express intent of the endeavors enumerated in this~~
316 ~~subsection shall be to secure a more equitable share of~~
317 ~~available federal revenues.~~

318 (76) Perform such other duties as may be required by law or
319 by the Governor.

320 Section 7. Section 216.152, Florida Statutes, is created to
321 read:

322 216.152 Federal Funding.- The Executive Office of the
323 Governor shall:

324 (1) Consult with the Office of State-Federal Relations in
325 Washington, D.C., under the Executive Office of the Governor, in
326 order to:

327 (a) Evaluate current levels of federal authorization to
328 determine how the state might obtain a more equitable share of
329 federal funding.

330 (b) Develop a database in order to catalog all existing federal
331 formulas and identify funding inequities.

332 (c) Establish a federal formula modeling capability, to the
333 extent allowable by resources. Such a modeling component should
334 be designed in a manner which assists the state and its federal
335 representatives in assessing periodic legislation before
336 Congress which disseminates financial assistance to state and
337 local governments based on a formula or set of formulas.

338 (d) Develop and implement a communications network to link the
339 Legislature and the executive branch with Florida's
340 Congressional Delegation. Such a network should allow for the
341 rapid transmittal of:

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342 1. Data on restructuring formula-based legislation.

343 2. Information on block grants and the impact of periodic
344 proposals related thereto.

345 3. Information relating to federal mandate issues.

346 4. Data pertaining to other matters associated with federally
347 derived funds which have an impact upon the state.

348 The express intent of the endeavors enumerated in this
349 subsection shall be to secure a more equitable share of
350 available federal revenues.

351 Section 8. Subsection (1) of section 216.162, Florida
352 Statutes, is amended to read:

353 216.162 Governor's recommended budget to be furnished
354 Legislature; copies to members.—

355 (1) At least 30 days before the scheduled annual
356 legislative session, or at a later date if requested by the
357 Governor and approved in writing by the President of the Senate
358 and the Speaker of the House of Representatives, the Governor
359 shall furnish each senator and representative a copy of his or
360 her recommended balanced budget for the state, based on the
361 Governor's own conclusions and judgment. Copies may be furnished
362 through electronic means, including the Internet.

363 (2) There shall be included in such document the details of
364 the Governor's recommended balanced budget, including his or her
365 recommended appropriations pursuant to s. 216.163, his or her
366 recommended revenues pursuant to s. 216.165, and a financial
367 schedule showing that his or her estimates of state revenues
368 will be sufficient to fund the Governor's recommendations
369 pursuant to s. 216.167.

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370 Section 9. Subsections (2), (3), and (5) of section 216.163,
371 Florida Statutes, are amended to read:

372 216.163 Governor's recommended budget; form and content;
373 declaration of collective bargaining impasses.—

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

375 (a) The Governor's recommendations for operating each state
376 agency, and those of the Chief Justice of the Supreme Court for
377 operating the judicial branch, for the next fiscal year. These
378 recommendations shall be displayed by appropriation category
379 within each budget entity and shall also include the legislative
380 budget request of the corresponding agency. In order to present
381 a balanced budget as required by s. 216.162, the Governor's
382 recommendations for operating appropriations may include an
383 alternative recommendation to that of the Chief Justice.

384 (b)1. The Governor's recommendations and those of the Chief
385 Justice for fixed capital outlay appropriations for the next
386 fiscal year. These recommendations shall be displayed by budget
387 entity and shall also include the legislative budget request of
388 the corresponding agency. In order to present a balanced budget
389 as required by s. 216.162, the Governor's recommendations for
390 fixed capital outlay appropriations may include an alternative
391 recommendation to that of the Chief Justice.

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

397 (c) The evaluation of the fixed capital outlay request of
398 each agency and the judicial branch and alternatives to the

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399 proposed projects as made by the Department of Management
400 Services pursuant to s. 216.044.

401 ~~(d) A summary statement of the amount of appropriations~~
402 ~~requested by each state agency and as recommended by the~~
403 ~~Governor and by the judicial branch.~~

404 ~~(e)~~—A distinct listing of all nonrecurring appropriations
405 recommended by the Governor or the Chief Justice.

406 (ef) Any additional information which the Governor or Chief
407 Justice feels is needed to justify his or her recommendations.

408 (3) The Governor ~~shall~~ may provide to the Legislature a
409 performance-based program budget. Information submitted to the
410 Legislature shall be provided in a fashion that will allow
411 comparison of the requested information with the agency request
412 and legislative appropriation by the automated legislative
413 appropriation planning and budgeting system.

414 (4) The Executive Office of the Governor shall review the
415 findings of the Office of Program Policy Analysis and Government
416 Accountability, to the extent they are available, request any
417 reports or additional analyses as necessary, and submit a
418 recommendation for executive agencies, which may include a
419 recommendation regarding incentives or disincentives for agency
420 performance. Incentives or disincentives may apply to all or
421 part of a state agency. The Chief Justice shall review the
422 findings of the Office of Program Policy Analysis and Government
423 Accountability regarding judicial branch performance and make
424 appropriate recommendations for the judicial branch.

425 (a) Incentives may include, but are not limited to:

426 1. Additional flexibility in budget management, such as,
427 but not limited to, the use of lump sums or special categories;

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428 consolidation of budget entities or program components;
429 consolidation of appropriation categories; and increased agency
430 transfer authority between appropriation categories or budget
431 entities.

432 2. Additional flexibility in salary rate and position
433 management.

434 3. Retention of up to 50 percent of all unencumbered
435 balances of appropriations as of June 30, or undisbursed
436 balances as of December 31, excluding special categories and
437 grants and aids, which may be used for nonrecurring purposes
438 including, but not limited to, lump-sum bonuses, employee
439 training, or productivity enhancements, including technology and
440 other improvements.

441 4. Additional funds to be used for, but not limited to,
442 lump-sum bonuses, employee training, or productivity
443 enhancements, including technology and other improvements.

444 5. Additional funds provided pursuant to law to be released
445 to an agency quarterly or incrementally contingent upon the
446 accomplishment of units of output or outcome specified in the
447 General Appropriations Act.

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

449 1. Mandatory quarterly reports to the Executive Office of
450 the Governor and the Legislature on the agency's progress in
451 meeting performance standards.

452 2. Mandatory quarterly appearances before the Legislature,
453 the Governor, or the Governor and Cabinet to report on the
454 agency's progress in meeting performance standards.

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

458 4. Reduction of total positions for a program.

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

461 6. Reduction of managerial salaries.

462 (5) At the same time that the Governor furnishes each
463 senator and representative with a copy of his or her recommended
464 balanced budget under s. 216.162(1), the Executive Office of the
465 Governor shall electronically transmit to the legislative
466 appropriations committees the Governor's recommended budget, the
467 Exhibit B, ~~Major Issues~~ and D-3a's.

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

470 216.178 General Appropriations Act; format; procedure.—

471 (2) The Office of ~~Planning and Budgeting~~ Policy and Budget
472 shall develop a final budget report that reflects ~~net~~
473 ~~appropriation for each budget item. The report shall reflect the~~
474 actual expenditures for each of the 2 preceding fiscal years and
475 the estimated expenditures for the current fiscal year. In
476 addition, the report must contain the actual revenues and cash
477 balances for the preceding 2 fiscal years and the estimated
478 revenues and cash balances for the current fiscal year. The
479 report may also contain expenditure data, program objectives,
480 and program measures for each state agency program. The report
481 must be produced by the 120th day of each fiscal year. A copy of
482 the report must be made available to each member of the
483 Legislature, to the head of each state agency, to the Auditor

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484 General, to the director of the Office of Program Policy
485 Analysis and Government Accountability, and to the public.

486 Section 11. Section 216.179, Florida Statutes, is amended
487 to read:

488 216.179 Reinstatement of vetoed appropriations by
489 administrative means prohibited.—After the Governor has vetoed a
490 specific appropriation for an agency or the judicial branch,
491 neither the Governor, the Chief Justice of the Supreme Court,
492 nor a state agency, in their various statutory and
493 constitutional roles, may authorize expenditures for or
494 implementation in any manner of the programs that were
495 authorized by the vetoed appropriation. This section shall not
496 impact the ability of an entity for which the appropriation was
497 intended to apply for available state grant funding or to
498 participate in existing agency programs for which the entity is
499 eligible.

500 Section 12. Subsections (2), (5), (8), (10), (11), (12),
501 (15), and (17) of section 216.181, Florida Statutes, are amended
502 to read:

503 216.181 Approved budgets for operations and fixed capital
504 outlay.—

505 (2) Amendments to the original approved operating budgets
506 for operational and fixed capital outlay expenditures must
507 comply with the following guidelines in order to be approved by
508 the Governor and the Legislative Budget Commission for the
509 executive branch and the Chief Justice and the Legislative
510 Budget Commission for the judicial branch:

511 (a) The amendment must be consistent with legislative
512 policy and intent.

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

516 (c) Except as authorized in s. 216.292 or other provisions
517 of this chapter, the amendment may not provide funding or
518 increased funding for items which were funded by the Legislature
519 in an amount less than that requested by the agency in the
520 legislative budget request or recommended by the Governor, or
521 which were vetoed by the Governor.

522 (d) For amendments that involve trust funds, there must be
523 adequate and appropriate revenues available in the trust fund
524 and the amendment must be consistent with the laws authorizing
525 such trust funds and the laws relating to the use of the trust
526 funds. However, a trust fund shall not be increased in excess of
527 the original approved budget, except as provided in subsection
528 (11).

529 (e) The amendment shall not conflict with any provision of
530 law.

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

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

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

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

545 (4) To the extent possible, individual members of the
546 Senate and the House of Representatives should be advised of
547 budget amendments requested by the executive branch and judicial
548 branch.

549 (5) An amendment to the original operating budget for an
550 information technology project or initiative that involves more
551 than one agency, has an outcome that impacts another agency, or
552 exceeds ~~\$500,000~~ \$1,000,000 in total cost over a 1-year period,
553 except for those projects that are a continuation of hardware or
554 software maintenance or software licensing agreements, or that
555 are for desktop replacement that is similar to the technology
556 currently in use must be approved by the Executive Office of the
557 Governor for the executive branch or by the Chief Justice for
558 the judicial branch, and shall be subject to approval by the
559 Legislative Budget Commission as well as the notice and
560 objection procedures set forth in s. 216.177.

561 (6) (a) A detailed plan allocating a lump-sum appropriation
562 to traditional appropriations categories shall be submitted by
563 the affected agency to the Executive Office of the Governor or
564 the Chief Justice of the Supreme Court. The Executive Office of
565 the Governor and the Chief Justice of the Supreme Court shall
566 submit such plan to the chair and vice chair of the Legislative
567 Budget Commission either before or concurrent with the
568 submission of any budget amendment that recommends the transfer
569 and release of the balance of a lump-sum appropriation.

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570 (b) The Executive Office of the Governor and the Chief
571 Justice of the Supreme Court may amend, without approval of the
572 Legislative Budget Commission, state agency and judicial branch
573 entity budgets, respectively, to reflect the transferred funds
574 and to provide the associated increased salary rate based on the
575 approved plans for lump-sum appropriations. Any action proposed
576 pursuant to this paragraph is subject to the procedures set
577 forth in s. 216.177.

578 The Executive Office of the Governor shall transmit to each
579 state agency and the Chief Financial Officer, and the Chief
580 Justice shall transmit to each judicial branch component and the
581 Chief Financial Officer, any approved amendments to the approved
582 operating budgets.

583 (7) The Executive Office of the Governor may, for the
584 purpose of improved contract administration, authorize the
585 consolidation of two or more fixed capital outlay appropriations
586 for an agency, and the Chief Justice of the Supreme Court for
587 the judicial branch, except for projects authorized under
588 chapter 1013, provided the original scope and purpose of each
589 project are not changed.

590 (8) As part of the approved operating budget, the
591 Executive Office of the Governor shall furnish to each state
592 agency, and the Chief Justice of the Supreme Court shall furnish
593 to the entity of the judicial branch, an approved annual salary
594 rate for each budget entity containing a salary appropriation.
595 This rate shall be based upon the actual salary rate and shall
596 be consistent with the General Appropriations Act or special
597 appropriations acts. The annual salary rate shall be:

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598 (a) Determined by the salary rate specified in the General
599 Appropriations Act and adjusted for reorganizations authorized
600 by law, for any other appropriations made by law, and, subject
601 to s. 216.177, for distributions of lump-sum appropriations and
602 administered funds and for actions that require authorization of
603 salary rate from salary rate reserve and placement of salary
604 rate in salary rate reserve.

605 (b) Controlled by department or agency; except for the
606 Department of Education, which shall be controlled by division
607 ~~and,~~ for the judicial branch, which shall be controlled at the
608 branch level, and for the Justice Administration Commission
609 which shall be controlled at the program level.

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

611 (9) No agency or the judicial branch may exceed its maximum
612 approved annual salary rate for the fiscal year. However, at any
613 time during the fiscal year, an agency or entity of the judicial
614 branch may exceed its approved rate for all budget entities by
615 no more than 5 percent, provided that, by June 30 of every
616 fiscal year, the agency or entity of the judicial branch has
617 reduced its salary rate so that the salary rate for each
618 department is within the approved rate limit for that
619 department.

620 (10) (a) The ~~Legislative Budget Commission~~ Executive Office
621 of the Governor and the Chief Justice of the Supreme Court may
622 authorize increases or decreases in the approved salary rate,
623 ~~except as authorized in paragraph (8) (a), for positions pursuant~~
624 ~~to the request of the agency filed with the Executive Office of~~
625 ~~the Governor or pursuant to the request of an entity of the~~
626 ~~judicial branch filed with the Chief Justice of the Supreme~~

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627 ~~Court~~, subject to s. 216.177, if deemed necessary and in the best
628 interest of the state and consistent with legislative policy and
629 intent.

630 (b) Lump-sum salary bonuses may be provided only if
631 specifically appropriated, ~~or~~ provided pursuant to
632 s. 110.1245 or s. 216.1815, or after consultation with the
633 Executive Office of the Governor and only if sufficient
634 resources are available on a recurring basis.

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

638 (11) (a) The Executive Office of the Governor and the Chief
639 Justice of the Supreme Court may approve changes in the amounts
640 appropriated from state trust funds in excess of those in the
641 approved operating budget up to ~~\$1 million~~ 2 million for new
642 federal awards not appropriated in the approved operating
643 budget ~~only~~ pursuant to the federal funds provisions of
644 s. 216.212, or when new grants and donations are received ~~after~~
645 ~~April 1~~, or when deemed necessary due to a set of conditions
646 that were unforeseen at the time the General Appropriations Act
647 was adopted and that are essential to correct in order to
648 continue the operation of government.

649 (b) Changes in the amounts appropriated from state trust
650 funds in excess of those in the approved operating budget which
651 are in excess of ~~\$1 million~~ \$2 million may be approved only by
652 the Legislative Budget Commission pursuant to the request of a
653 state agency filed with the Executive Office of the Governor or
654 pursuant to the request of an entity of the judicial branch
655 filed with the Chief Justice of the Supreme Court.

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656 (c) ~~Notwithstanding the provisions of paragraphs (a) and~~
657 ~~(b) to the contrary, the Executive Office of the Governor may~~
658 ~~approve changes in the amounts appropriated to the Department of~~
659 ~~Military Affairs for fixed capital outlay projects when the~~
660 ~~department has received federal funds for specific fixed capital~~
661 ~~outlay projects that do not carry a continuing commitment for~~
662 ~~future appropriations by the Legislature.~~

663 Notwithstanding paragraphs (a) and (b), the Executive Office of
664 the Governor may approve changes in the amounts appropriated in
665 state trust funds when an agency has received additional federal
666 awards, or grants and donations, for which funds have been
667 appropriated by the Legislature in the same fiscal year, subject
668 to s. 216.177.

669 (d) The Executive Office of the Governor may approve new
670 fixed capital outlay projects or increase the amounts
671 appropriated to state agencies for fixed capital outlay projects
672 up to \$2 million. New fixed capital outlay projects or increases
673 in the amounts appropriated to state agencies for fixed capital
674 outlay projects in excess of \$2 million may be approved only by
675 the Legislative Budget Commission pursuant to the request of a
676 state agency filed with the Executive Office of the Governor or
677 pursuant to the request of an entity of the judicial branch
678 filed with the Chief Justice of the Supreme Court.

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

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

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685 the state agency or by the judicial branch to the Chief
686 Financial Officer for entry in his or her records in the manner
687 and format prescribed by the Executive Office of the Governor in
688 consultation with the Chief Financial Officer. A copy of such
689 authorized budgets shall be furnished to the Executive Office of
690 the Governor or the Chief Justice, the chairs of the legislative
691 committees responsible for developing the general appropriations
692 acts, and the Auditor General. Notwithstanding the duty
693 specified for each state agency in s. 17.61(3), the Governor may
694 withhold approval of nonoperating investment authority for
695 certain trust funds when deemed in the best interest of the
696 state. The Governor for the executive branch, and the Chief
697 Justice for the judicial branch, may establish nonoperating
698 budgets, with the approval of the chairs of the Senate and the
699 House of Representatives appropriations committees, for
700 transfers, purchase of investments, special expenses,
701 distributions, transfers of funds specifically required by law,
702 and any other nonoperating budget categories they deem necessary
703 and in the best interest of the state and consistent with
704 legislative intent and policy. For purposes of this section, the
705 term "nonoperating budgets" means nonoperating disbursement
706 authority for purchase of investments, refunds, payments to the
707 United States Treasury, transfers of funds specifically required
708 by law, distributions of assets held by the state in a trustee
709 capacity as an agent of fiduciary, special expenses, and other
710 nonoperating budget categories, as determined necessary by the
711 Executive Office of the Governor and the chairs of the Senate
712 and the House of Representatives appropriations committees, not
713 otherwise appropriated in the General Appropriations Act. The

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714 establishment of nonoperating budget authority shall be deemed
715 approved by a chair of a legislative committee if written notice
716 of the objection is not provided to the Governor or Chief
717 Justice, as appropriate, within ~~14~~ 7 days of the chair receiving
718 notice of the action pursuant to the provisions of s. 216.177.

719 (13) Each state agency and the judicial branch shall
720 develop the internal management procedures and budgets necessary
721 to assure compliance with the approved operating budget.

722 (14) The Executive Office of the Governor and the Chief
723 Justice of the Supreme Court shall certify the amounts approved
724 for operations and fixed capital outlay, together with any
725 relevant supplementary materials or information, to the Chief
726 Financial Officer; and such certification shall be the Chief
727 Financial Officer's guide with reference to the expenditures of
728 each state agency pursuant to s. 216.192.

729 (15) The provisions of this section do not apply to the
730 budgets for the legislative branch and for the Executive
731 Direction and Support Services and Executive Planning and
732 Budgeting entities of the Executive Office of the Governor.

733 (16) (a) Funds provided in any specific appropriation in the
734 General Appropriations Act may be advanced if the General
735 Appropriations Act specifically so provides.

736 (b) Any agency, or the judicial branch, that has been
737 authorized by the General Appropriations Act or expressly
738 authorized by other law to make advances for program startup or
739 advances for contracted services, in total or periodically,
740 shall limit such disbursements to other governmental entities
741 and not-for-profit corporations. The amount that may be advanced
742 shall not exceed the expected cash needs of the contractor or

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743 recipient within the initial 3 months. Thereafter, disbursements
744 shall only be made on a reimbursement basis. Any agreement that
745 provides for advancements may contain a clause that permits the
746 contractor or recipient to temporarily invest the proceeds,
747 provided that any interest income shall either be returned to
748 the agency or be applied against the agency's obligation to pay
749 the contract amount. This paragraph does not constitute lawful
750 authority to make any advance payment not otherwise authorized
751 by laws relating to a particular agency or general laws relating
752 to the expenditure or disbursement of public funds. The Chief
753 Financial Officer may, after consultation with the legislative
754 appropriations committees, advance funds beyond a 3-month
755 requirement if it is determined to be consistent with the intent
756 of the approved operating budget.

757 ~~(17) Except as otherwise specifically provided in this~~
758 ~~chapter or chapter 339, a change to the approved operating~~
759 ~~budget may not initiate or commence a fixed capital outlay~~
760 ~~project.~~

761 Section 13. Section 216.1811, Florida Statutes, is amended
762 to read:

763 216.1811 Approved operating budgets and appropriations for
764 the legislative branch and the Executive Office of the
765 Governor.—

766 (1) The Governor and the Chief Financial Officer shall each
767 make changes to the original approved operating budgets for
768 operational and fixed capital expenditures relating to the
769 legislative branch as directed by the presiding officers of the
770 legislative branch and to the Executive Direction and Support

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771 Services and Executive Planning and Budgeting entities of the
772 Executive Office of the Governor as directed by the Governor.

773 (2) The Governor and the Chief Financial Officer shall each
774 ensure that any balances of appropriations made to the
775 legislative branch are carried forward as directed by the
776 presiding officers of the legislative branch and that any
777 balances of appropriations made to the Executive Direction and
778 Support Services and Executive Planning and Budgeting entities
779 of the Executive Office of the Governor are carried forward as
780 directed by the Governor.

781 Section 14. Section 216.216, Florida Statutes, is amended
782 to read:

783 216.216 Court settlement funds negotiated by the state.—In
784 any court settlement in which a state agency or officer or any
785 other counsel representing the interests of the state negotiates
786 settlement amounts to be expended by the judicial branch or the
787 executive branch, such funds may not be expended unless the
788 Legislature has appropriated funds to the agency in the
789 appropriate category or the Legislative Budget Commission has
790 approved a budget amendment for such funds. In either instance,
791 the funding source identified must be sufficient to cover both
792 the anticipated program costs and the amount of the settlement,
793 the settlement must not be contrary to the intent of the
794 Legislature, and, if the settlement amount is substantial, good
795 reason must exist for entering into the settlement prior to the
796 next legislative session and no significant amount of recurring
797 funding shall be committed. When a state agency or officer
798 settles an action in which the state will receive moneys, the
799 funds shall be placed in the General Revenue Fund or in the

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800 trust fund that is associated with the agency's or officer's
801 authority to pursue the legal action. This section does not
802 apply if the settlement agreement is reached prior to trial or
803 court order, is a one-time payment, and the impacted agency has
804 sufficient funds existing or available through a budget
805 amendment in accordance with s. 216.292, to support ongoing
806 operational costs and the amount of the settlement. The
807 provisions of this section are subject to the notice and review
808 procedures set forth in s. 216.177.

809 Section 15. Subsection (3) of section 216.251, Florida
810 Statutes, is amended to read:

811 216.251 Salary appropriations; limitations.—

812 (3) An agency may not provide general salary increases or
813 pay additives for ~~a~~ more than 50 percent of a cohort of
814 positions sharing the same job classification or job occupations
815 ~~which~~ unless the Legislature has ~~not~~ authorized the general
816 salary increase or pay additives in the General Appropriations
817 Act or other laws. Exceptions may be granted after consultation
818 with the Executive Office of the Governor and only if sufficient
819 resources are available on a recurring basis.

820 Section 16. Subsection (4) of section 216.262, Florida
821 Statutes, is created to read:

822 216.262 Authorized positions.—

823 (4) Notwithstanding the provisions of this chapter
824 relating to increasing the number of authorized positions if the
825 actual inmate population of the Department of Corrections
826 exceeds the inmate population projections the most recent
827 Criminal Justice Estimating Conference by 1 percent for 2
828 consecutive months or 2 percent for any month, the Executive

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829 Office of the Governor, with the approval of the Legislative
830 Budget Commission, shall immediately notify the Criminal Justice
831 Estimating Conference, which shall convene as soon as possible
832 to revise the estimates. The Department of Corrections may then
833 submit a budget amendment requesting the establishment of
834 positions in excess of the number authorized by the Legislature
835 and additional appropriations from unallocated general revenue
836 sufficient to provide for essential staff, fixed capital
837 improvements, and other resources to provide classification,
838 security, food services, health services, and other variable
839 expenses within the institutions to accommodate the estimated
840 increase in the inmate population. All actions taken pursuant to
841 this subsection are subject to review and approval by the
842 Legislative Budget Commission.

843 Section 17. Section 216.292, Florida Statutes, is amended
844 to read:

845 216.292 Appropriations nontransferable; exceptions.—

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

851 Appropriations for fixed capital outlay may not be expended for
852 any other purpose. Appropriations may not be transferred between
853 state agencies, or between a state agency and the judicial
854 branch, unless specifically authorized in the General
855 Appropriations Act or otherwise expressly provided by law.

856 (b) The Executive Office of the Governor is authorized to
857 transfer funds within and between state agencies for the sole

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858 purpose of implementing statewide distributions of
859 appropriations for Risk Management Insurance, Human Resources
860 Services and other distributions as authorized in the General
861 Appropriations Act. Transfers and adjustments are subject to the
862 notice and objection provisions of s. 216.177.

863 (c)1. Authorized revisions of the original approved
864 operating budget, together with related changes in the plan for
865 release of appropriations, if any, shall be transmitted by the
866 state agency or by the judicial branch to the Executive Office
867 of the Governor or the Chief Justice, respectively, the chairs
868 of the Senate and the House of Representatives appropriations
869 committees, the Office of Program Policy Analysis and Government
870 Accountability, and the Auditor General. Such authorized
871 revisions shall be consistent with the intent of the approved
872 operating budget, shall be consistent with legislative policy
873 and intent, and may not conflict with specific spending policies
874 specified in the General Appropriations Act.

875 2. Authorized revisions, together with related changes, if
876 any, in the plan for release of appropriations shall be
877 transmitted by the state agency or by the judicial branch to the
878 Chief Financial Officer for entry in the Chief Financial
879 Officer's records in the manner and format prescribed by the
880 Executive Office of the Governor in consultation with the Chief
881 Financial Officer.

882 3. The Executive Office of the Governor or the Chief
883 Justice shall forward a copy of the revisions within 7 working
884 days to the Chief Financial Officer for entry in his or her
885 records in the manner and format prescribed by the Executive

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886 Office of the Governor in consultation with the Chief Financial
887 Officer.

888 (2) The following transfers are authorized to be made by
889 the head of each department or the Chief Justice of the Supreme
890 Court whenever it is deemed necessary by reason of changed
891 conditions:

892 (a) The transfer of appropriations funded from identical
893 funding sources, except appropriations for fixed capital outlay,
894 and the transfer of amounts included within the total original
895 approved budget and plans of releases of appropriations as
896 furnished pursuant to ss. 216.181 and 216.192, as follows:

897 1. Between categories of appropriations within a budget
898 entity, if no category of appropriation is increased or
899 decreased by more than 5 percent of the original approved budget
900 or ~~\$250,000~~ 500,000, whichever is greater, by all action taken
901 under this subsection.

902 2. Between budget entities within identical categories of
903 appropriations, if no category of appropriation is increased or
904 decreased by more than 5 percent of the original approved budget
905 or ~~\$250,000~~ 500,000, whichever is greater, by all action taken
906 under this subsection.

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

911 4. Notice of proposed transfers under subparagraphs 1. and
912 2. shall be provided to the Executive Office of the Governor and
913 the chairs of the legislative appropriations committees at least
914 3 days prior to agency implementation in order to provide an

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915 opportunity for review. The review shall be limited to ensuring
916 that the transfer is in compliance with the requirements of this
917 paragraph.

918 (b) After providing notice at least 5 working days prior to
919 implementation:

920 1. The transfer of funds within programs identified in the
921 General Appropriations Act from identical funding sources
922 between the following appropriation categories without
923 limitation so long as such a transfer does not result in an
924 increase, to the total recurring general revenue or trust fund
925 cost of the agency or entity of the judicial branch in the
926 subsequent fiscal year: other personal services, expenses,
927 operating capital outlay, food products, state attorney and
928 public defender operations, data processing services, operating
929 and maintenance of patrol vehicles, overtime payments, salary
930 incentive payments, compensation to retired judges, law
931 libraries, and juror and witness payments.

932 2. The transfer of funds and positions from identical
933 funding sources between salaries and benefits appropriation
934 categories within programs identified in the General
935 Appropriations Act. Such transfers must be consistent with
936 legislative policy and intent and may not adversely affect
937 achievement of approved performance outcomes or outputs in any
938 program.

939 (c) The transfer of funds appropriated to accounts
940 established for disbursement purposes upon release of such
941 appropriation upon request of a department and approval by the
942 Chief Financial Officer. Such transfer may only be made to the

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943 same appropriation category and the same funding source from
944 which the funds are transferred.

945 (3) The following transfers are authorized with the
946 approval of the Executive Office of the Governor for the
947 executive branch or the Chief Justice for the judicial branch,
948 subject to the notice and objection provisions of s. 216.177:

949 (a) The transfer of appropriations for operations from
950 trust funds in excess of those provided in subsection (2), up to
951 ~~\$1 million~~ 2 million.

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

953 (4) The following transfers are authorized with the
954 approval of the Legislative Budget Commission. Unless waived by
955 the chair and vice chair of the commission, notice of such
956 transfers must be provided 14 days before the commission
957 meeting:

958 (a) The transfer of appropriations for operations from the
959 General Revenue Fund in excess of those provided in this section
960 but within a state agency or within the judicial branch, as
961 recommended by the Executive Office of the Governor or the Chief
962 Justice of the Supreme Court.

963 (b) The transfer of appropriations for operations from
964 trust funds in excess of those authorized in subsection (2) or
965 subsection (3), as recommended by the Executive Office of the
966 Governor or the Chief Justice of the Supreme Court.

967 (c) The transfer of the portion of an appropriation for a
968 named fixed capital outlay project found to be in excess of that
969 needed to complete the project to another project for which
970 there has been an appropriation in the same fiscal year from the
971 same fund and within the same department where a deficiency is

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972 found to exist, at the request of the Executive Office of the
973 Governor for state agencies or the Chief Justice of the Supreme
974 Court for the judicial branch. The scope of a fixed capital
975 outlay project may not be changed by any transfer of funds made
976 pursuant to this subsection.

977 (d) The transfers necessary to accomplish the purposes of
978 reorganization within state agencies or the judicial branch
979 authorized by the Legislature when the necessary adjustments of
980 appropriations and positions have not been provided in the
981 General Appropriations Act, unless the reorganization was
982 specifically authorized in law via a Type One or Type Two
983 transfer pursuant to s. 20.06(1) and (2), then the Executive
984 Office of the Governor is authorized to make the necessary
985 adjustments to appropriations and positions.

986 ~~(5) A transfer of funds may not result in the initiation of~~
987 ~~a fixed capital outlay project that has not received a specific~~
988 ~~legislative appropriation.~~

989 ~~(6)~~ The Chief Financial Officer shall transfer from any
990 available funds of an agency or the judicial branch the
991 following amounts and shall report all such transfers and the
992 reasons therefor to the legislative appropriations committees
993 and the Executive Office of the Governor:

994 (a) The amount due to the Unemployment Compensation Trust
995 Fund which is more than 90 days delinquent on reimbursements due
996 to the Unemployment Compensation Trust Fund. The amount
997 transferred shall be that certified by the state agency
998 providing reemployment assistance tax collection services under
999 contract with the Department of Economic Opportunity through an
1000 interagency agreement pursuant to s. 443.1316.

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1001 (b) The amount due to the Division of Risk Management which
1002 is more than 90 days delinquent in payment to the Division of
1003 Risk Management of the Department of Financial Services for
1004 insurance coverage. The amount transferred shall be that
1005 certified by the division.

1006 (c) The amount due to the Communications Working Capital
1007 Trust Fund from moneys appropriated in the General
1008 Appropriations Act for the purpose of paying for services
1009 provided by the state communications system in the Department of
1010 Management Services which is unpaid 45 days after the billing
1011 date. The amount transferred shall be that billed by the
1012 department.

1013 (67) The provisions of this section do not apply to the
1014 budgets for the legislative branch and the Executive Direction
1015 and Support Services and Executive Planning and Budgeting
1016 entities of the Executive Office of the Governor.

1017 Section 18. Subsection (3) is added to section 216.311,
1018 Florida Statutes, to read:

1019 216.311 Unauthorized contracts in excess of appropriations;
1020 penalty.—

1021 (1) No agency or branch of state government shall contract
1022 to spend, or enter into any agreement to spend, any moneys in
1023 excess of the amount appropriated to such agency or branch
1024 unless specifically authorized by law, and any contract or
1025 agreement in violation of this chapter shall be null and void.

1026 (2) Any person who willfully contracts to spend, or enters
1027 into an agreement to spend, any money in excess of the amount
1028 appropriated to the agency or branch for whom the contract or

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1029 agreement is executed is guilty of a misdemeanor of the first
1030 degree, punishable as provided in s. 775.082 or s. 775.083.

1031 (3) The provisions of this section shall not impact the
1032 ability for an agency to request budget increases and transfers,
1033 pursuant to this chapter, to fully fund a contract for which an
1034 appropriation has been authorized by law but has not been fully
1035 funded.

1036 Section 19. This act shall take effect July 1, 2023.