

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: SPB 7024

INTRODUCER: For consideration by the Appropriations Committee

SUBJECT: State Planning and Budgeting

DATE: March 19, 2025

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Griffin	Sadberry		<b>Pre-meeting</b>

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**I. Summary:**

SPB 7024 revises provisions within ch. 216, F.S., relating to the state budgeting and planning process, to clarify terminology, simplify the long-range program plan process, update the legislative budget request process, and remove obsolete provisions.

The bill does not impact state revenues or expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

**II. Present Situation:**

**State Budgeting and Planning**

Chapter 216, F.S., provides guidelines and requirements for the Executive Office of the Governor, state agencies, and the judicial branch for developing and submitting legislative budget requests and implementing legislative appropriations in accordance with s. 19, Art. III, of the Florida Constitution.

***Long-Range Program Plans***

The Florida Constitution requires general law to provide for a long-range state planning document. Section 216.013, F.S., requires state agencies and the judicial branch to develop long-range program plans to achieve state goals using an interagency planning process that includes the development of integrated agency program service outcomes.

The long-range program plans must provide the framework for the development of budget requests and identify, in part, the mission of the agency or judicial branch, the goals established to accomplish the mission, and the objectives developed to achieve state goals.<sup>1</sup> Each plan is

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<sup>1</sup> Section 216.013(1), F.S.

required to cover a period of five fiscal years and must be revised annually. Each state agency and the judicial branch is required to post their long-range program plans on their websites no later than September 30<sup>th</sup> of each year.<sup>2</sup>

State agencies and the judicial branch were not required to develop or post an update to their plans going into planning and budgeting for the 2025-2026 fiscal year in light of the review that the Government Efficiency Task Force had undertaken.<sup>3</sup>

### ***Performance Measures and Standards***

Agencies and the judicial branch are required to maintain a comprehensive accountability system containing, at a minimum, a list of performance measures that are adopted by the Legislature. Agencies and the judicial branch must submit output and outcome measures and standards, as well as historical baseline performance data. The Legislature is authorized to create, amend, and delete performance measures and standards.<sup>4</sup>

### ***Legislative Budget Requests***

In accordance with s. 19, Art. III, of the Florida Constitution, s. 216.023, F.S., requires state agencies and the judicial branch to submit requests for the Legislature for the amounts of money such agency or branch believes will be needed in the performance of the functions that it is authorized, or which it is requesting authorization by law, to perform.<sup>5</sup>

Each state agency and the judicial branch is required to submit a final legislative budget request to the Legislature and the Governor in the form and manner prescribed by the budget instructions no later than October 15<sup>th</sup> of each year, unless an alternative date is agreed to be in the best interest of the state by the Governor and the chairs of the legislative appropriations committees.<sup>6</sup>

### ***Agency Incentive and Savings Programs***

Section 216.1815, F.S., authorizes agencies and the judicial branch to retain a portion of the savings produced by internally generated agency or judicial branch program efficiencies and cost reductions in order to provide an incentive for agencies and the judicial branch to re-engineer business processes and otherwise increase operating efficiency. To be eligible to retain funds, an agency or judicial branch must submit a plan and an associated request to amend its approved operating budget to the Legislative Budget Commission, which will determine the amount the agency or the judicial branch will be allowed to retain considering the actual savings projected for the current year budget and the annualized savings.<sup>7</sup> Each agency or the judicial branch allowed to retain funds is required to submit in its next legislative budget request a schedule showing how it used such funds.<sup>8</sup>

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<sup>2</sup> Section 216.013(4), F.S.

<sup>3</sup> Section 216.013(7), F.S.

<sup>4</sup> Section 216.1827, F.S.

<sup>5</sup> Section 216.011(1)(cc), F.S.

<sup>6</sup> Section 216.023.

<sup>7</sup> Section 216.1815, F.S.

<sup>8</sup> *Id.*

### ***Activity-based Planning and Budgeting***

Section 216.1826, F.S., requires agencies to work in consultation with the Executive Office of the Governor and the appropriation committees of the Legislature to identify and reach consensus on the appropriate services and activities for activity-based budgeting. Additionally, agencies or the judicial branch are required to examine approved performance measures and recommend any changes so that outcomes are clearly delineated for each service or program, as appropriate, and outputs are aligned with activities. Output measures should be capable of being used to generate a unit cost for each activity resulting in a true accounting of what the state should spend on each activity it provides and what the state should expect to accomplish with those funds.

### ***Authorized Positions***

The total number of authorized positions of a state agency or entity of the judicial branch may not exceed the total provided in the General Appropriations Act, unless otherwise expressly provided by law.<sup>9</sup> If a state agency or entity of the judicial branch finds that the number of positions so provided is not sufficient to administer its authorized programs, it may file an application with the Executive Office of the Governor or the Chief Justice. If the Executive Office of the Governor or Chief Justice certifies that there are no authorized positions available for addition, deletion, or transfer within the agency and recommends an increase in the number of positions, the Governor or the Chief Justice may recommend an increase in the number of positions for the following reasons only:

- To implement or provide for continuing federal grants or changes in grants not previously anticipated.
- To meet emergencies pursuant to s. 252.36.
- To satisfy new federal regulations or changes therein.
- To take advantage of opportunities to reduce operating expenditures or to increase the revenues of the state or local government.
- To authorize positions that were not fixed by the Legislature through error in drafting the appropriations acts.<sup>10</sup>

Actions recommended by the Executive Office of the Governor or the Chief Justice are subject to the approval by the Legislative Budget Commission.<sup>11</sup>

Historically, there has been an exception provided for the Department of Corrections in the bill implementing the General Appropriations Act.<sup>12</sup> For the 2024-2025 fiscal year, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the December 15, 2023, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, is required to immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates.

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<sup>9</sup> Section 216.262, F.S.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Chapter 2024-228, s. 28, L.O.F.

The Department of Corrections is then authorized to submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population.<sup>13</sup>

### ***Transfers of Appropriations***

Funds provided in the General Appropriations Act or otherwise expressly provided by law are required to be expended only for the purpose for which appropriated. Appropriations may not be transferred between state agencies, or between a state agency and the judicial branch, unless specifically authorized by law.<sup>14</sup>

However, there are some exceptions provided in s. 216.292, F.S., provided the transfer is determined to be in the best interest of the state. Additionally, such authorized revisions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and may not conflict with specific spending policies specified in the General Appropriations Act.<sup>15</sup>

The transfer of appropriations funded from identical funding sources, except appropriations for fixed capital outlay, and the transfer of amounts included within the total original approved budget and plans of releases of appropriations as furnished pursuant to ss. 216.181 and 216.192, F.S., may be made by the head of each department or the Chief of the Supreme Court whenever it is deemed necessary by reason of changed conditions as follows:

- Between categories of appropriations within a budget entity, if no category of appropriation is increased or decreased by more than five percent of the original approved budget or \$250,000, whichever is greater, by all action taken under this subsection.
- Between budget entities within identical categories of appropriations, if no category of appropriation is increased or decreased by more than five percent of the original approved budget or \$250,000, whichever is greater, by all action taken under this subsection.<sup>16</sup>

However, any agency exceeding salary rate established pursuant to s. 216.181(8) on June 30th of any fiscal year is not authorized to make such transfers in the subsequent fiscal year.

Notice of proposed transfers must be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least three days prior to agency implementation, in order to provide an opportunity for review. The review shall be limited to ensuring that the transfer is in compliance with the requirements of this paragraph, but must ensure that transfers proposed pursuant to this paragraph comply with this chapter, maximize the use of available and appropriate trust funds, and are not contrary to legislative policy and intent.

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<sup>13</sup> Section 216.262(4), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> Section 216.292, F.S.

<sup>16</sup> Section 216.292(2), F.S.

The following transfers are authorized with the approval of the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch, subject to the notice and objection provisions of s. 216.177, F.S.:

- The transfer of appropriations for operations from trust funds up to \$1 million.
- The transfer of positions between budget entities.<sup>17</sup>

The following transfers are authorized with the approval of the Legislative Budget Commission. Unless waived by the chair and vice chair of the commission, notice of such transfers must be provided 14 days before the commission meeting:

- The transfer of appropriations for operations from the General Revenue Fund in excess of \$1 million, but within a state agency or within the judicial branch, as recommended by the Executive Office of the Governor or the Chief Justice of the Supreme Court.
- The transfer of appropriations for operations from trust funds in excess of \$1 million, as recommended by the Executive Office of the Governor or the Chief Justice of the Supreme Court.
- The transfer of the portion of an appropriation for a named fixed capital outlay project found to be in excess of that needed to complete the project to another project for which there has been an appropriation in the same fiscal year from the same fund and within the same department where a deficiency is found to exist, at the request of the Executive Office of the Governor for state agencies or the Chief Justice of the Supreme Court for the judicial branch.
- The transfers necessary to accomplish the purposes of reorganization within state agencies or the judicial branch authorized by the Legislature when the necessary adjustments of appropriations and positions have not been provided in the General Appropriations Act.<sup>18</sup>

### **Government Efficiency Task Force**

Article III, s. 19 of the Florida Constitution requires a Government Efficiency Task Force composed of members of the Legislature and representatives from the private and public sectors to develop recommendations for improving governmental operations and reducing costs. The task force is required to meet every four years and submit its work to the Joint Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court.

In June 2024, the task force established a working group to study the Long-Range Program Plans. The working group reported the following recommendations and improvements:

- Improving flexibility through, creating a more dynamic process for revising plans based on new information, such as requiring agencies to update plans annually or bi-annually for more adaptable long-term strategic planning;
- Simplifying processes to reduce administrative demands and free up resources for service delivery, including a system for capturing lessons-learned and best practices from each planning cycle to aid with future planning cycles; and
- Shifting focus to outcomes, rather than outputs by requiring performance measures to focus on meaningful outcomes, rather than easily measured outputs.<sup>19</sup>

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<sup>17</sup> Section 216.292(3), F.S.

<sup>18</sup> Section 216.292(4), F.S.

<sup>19</sup> Florida Government Efficiency Task Force, *2024-2025 Final Recommendations*, at 3 (available at [https://www.dms.myflorida.com/other\\_programs/government\\_efficiency\\_task\\_force](https://www.dms.myflorida.com/other_programs/government_efficiency_task_force)).

### III. Effect of Proposed Changes:

**Section 1** amends s. 216.011, F.S., to clarify the definition of fixed capital outlay and specify that the definition does not include minor repairs or maintenance which may be appropriated in an expense, contracted services, or a special appropriations category. The bill also deletes the definitions for the terms “disincentives” and “incentives.”

**Section 2** amends s. 216.013, F.S., to update the LRPP requirements. Pursuant to the bill, LRPPs must be submitted annually by each agency and the judicial branch by September 15 to the Legislative Budget Commission for approval, including any update on meeting their plans’ approved performance measure and any deviation from expected performance measures. An agency or the judicial branch that does not comply with the submission deadline and requirements will not be able to submit budget amendments or otherwise make changes to its budget until the agency or judicial branch has corrected the deficiency.

The LRPPs must include information about the implementation status of any law enacted in the previous legislative session. The status must be provided until all provisions of the law are fully implemented. For the purposes of initial implementation, an agency must provide information on laws enacted in the 2023 and 2024 regular session that have provision not fully implemented.

The implementation status information must include:

- Actions or steps taken to implement the law, including but not limited to:
  - Administrative rules for proposed implementation.
  - Procurements required.
  - Contracts executed to assist the agency in implementation.
  - Contracts executed to implement or administer the law.
  - Programs started, offices established, or other organizational administrative changes made, including personnel changes.
  - Federal waivers requested.
- The status of any required appointments and timing of board, commission, or related public meetings.
- A description of the agency programs, outputs, and activities implemented or changed related to the law.
- All expenditures made that were directly related to the implementation.
- Any provisions remaining to be implemented.
- A description of any impediment or delay in the implementation, including, but not limited to, challenges of administrative rules or identification of any policy issue that needs to be resolved by the Legislature to ensure timely and effective implementation.
- Information related to any litigation related to the law which is not previously provided.
- Performance measures developed and the specific data identified, including data on enrollments, participants, loans, and other data elements of programs, outputs, and activities.

Additionally, the bill requires each LRPP to be posted on the agency or judicial branch website no later than September 30<sup>th</sup> of each year.

**Section 3** amends s. 216.023, F.S., to clarify that Legislative Budget Requests (LBRs) are due no later than September 15<sup>th</sup> of each odd-numbered year and no later than October 15<sup>th</sup> of each even-numbered year.

The bill further amends s. 216.023, F.S., to repeal the requirements for the LRPP and LBR Unit Cost Summary exercise.

The bill also updates the Governor's Office of Policy and Budget title from the current Planning and Budgeting title.

**Section 4** amends s. 216.163, F.S., to remove the requirement that the Executive Office of the Governor review and submit recommendations for executive agencies regarding incentives and disincentives for agency performance.

**Section 5** amends s. 216.177, F.S., to remove the authorization for the Legislature to annually specify any incentives and disincentives for agencies operating programs under performance-based budgets.

**Section 6** amends s. 216.181, F.S., to conform a cross-reference.

**Section 7** repeals s. 216.1815, F.S., relating to the agency incentive and savings program.

**Section 8** repeals s. 216.1826, F.S., relating to activity-based planning and budgeting.

**Section 9** amends s. 216. 1827, F.S., to provide standardization of agency performance measures, outcomes, and standards.

Pursuant to the bill, each state agency and the judicial branch shall adopt the new, standardized, performance measures, outcomes, and standards. These new reporting requirements include:

- Administrative costs as a percentage of total agency costs, including salaries and benefits and excluding fixed capital outlay.
- The percentage of vacant positions filled within 180 days after becoming vacant.
- Total dollar amount of salary increases awarded, delineated by the subtotal dollar amount associated with increases specifically authorized in the General Appropriations Act or other law and the amount awarded without specific legislative authorization.
- Percentage of corrective actions taken within 6 months after receipt of audit findings and management letters issued to resolve such findings or letters from financial and operational audits conducted pursuant to s. 11.45, F.S.
- Private attorney service costs dollar amounts by case and as a percentage of total agency legal costs, legal costs paid to the Attorney General's office by case and as a percentage of total agency legal costs, and total agency legal costs as a percentage of total agency budget.
- Total dollar amount of expenditures by state term contract as defined in s. 287.012, contracts procured using alternative purchasing methods as authorized pursuant to s. 287.042(16), and agency procurements through request for proposal, invitation to negotiate, invitation to bid, single source, and emergency purchases.

- If applicable, the number of complete applications received and the average number of days to complete a permit, a licensure, a registration, or a certification process, from the date of the receipt of initial application to final agency action, for each permit, license, registration, or certification issued by the agency or judicial branch.
- If applicable, the total number of required inspections, total number of inspections completed, and percentage of required inspections completed.
- If applicable, average number of calendar days to award and contract for noncompetitive projects or grant programs for state or federal funds from the date of receipt of funds by the agency or receipt of budget authority, whichever is later.

The bill further provides that, in addition to the standard performance measures, outcomes, and standards required by subsection (2), each agency and the judicial branch shall develop and adopt at least five additional performance measures, outcomes, and standards. Additional performance measures, outcomes, and standards must include key state agency or judicial branch functions.

When developing the additional performance measures, outcomes, and standards, each state agency and the judicial branch shall take all of the following into consideration:

- The mission of the agency or judicial branch, state goals and objectives, and statutory policy.
- Programs, outputs, and activities that are key agency or judicial branch functions.
- Selection of data elements that best and most accurately measure progress toward state goals and objectives, including facilitating analysis of any deviation from expected performance.

Additionally, the bill requires each agency and the judicial branch to maintain the justification for each performance measure, outcome, or standard, as well as the source of data to be used.

The bill adds language to require LRPPs to provide:

- Information regarding measurement of the performance measures, including how the data is collected, baseline data, the methodology used for measurement, the reason for the measurement, and the validity and reliability of the measurement.
- Data for the previous five years related to the performance measures, outcomes, and standards and an explanation of deviation from expected performance.

The bill makes several revisions to the submission, approval, and amendment process for agency LRPPs. Under the provisions of the bill:

- Each state agency and the judicial branch shall submit performance measures, outcomes, and standards, including any information required under this section, to the Office of Program Policy Analysis and Government Accountability (OPPAGA).
- The performance measures, outcomes, and standards, including any amendments thereto, for each state agency and the judicial branch are to be adopted by the LBC.
- At least 30 days before the scheduled annual legislative session, a state agency or the Chief Justice of the Supreme Court may submit requests to delete or amend performance measures, outcomes, and standards. Such deletion, amendment, or addition is subject to review and approval by the LBC.



- State agencies and the judicial branch have 30 days after the effective date of the General Appropriations Act, or other enacted legislation, to propose adjustments to their performance measures, outcomes, and standards for review and approval by the LBC.
- Any new state agency created by the legislature is required to establish initial performance measures, outcomes, and standards subject to review and approval by the LBC.
- Each state agency and the judicial branch shall submit new performance measures, outcomes, and standards, including the information required by this section to the LBC by December 1, 2025. This paragraph will expire on December 31, 2026.

**Section 10** amends s. 216.262, F.S., to authorize the Department of Corrections to request additional positions through the LBC if the inmate population exceeds the most recently adopted forecast by the Criminal Justice Estimating Conference for specified percentages and timeframes.

**Section 11** amends s. 216.292, F.S., to allow the Executive Office of the Governor to transfer funds between agencies for the purpose of implementing statewide distributions for risk management insurance, human resource services, and data processing services. These transfers and adjustments are subject to the notice, review, and objection procedures of s. 216.177, F.S.

The bill further requires the review of agency transfer budget amendments to ensure that the transfers comply with the requirements of chg. 216, F.S., maximize the use of available and appropriate trust funds, and are not contrary to legislative policy and intent.

**Section 12** amends s. 20.055, F.S., to remove the provision that agency inspectors general are required to assess the reliability and validity of performance measures and standards and make recommendations for improvement before submission.

**Section 16** amends s. 420.0003, F.S., to allow the Florida Housing Finance Corporation to independently develop a long-range plan rather than developing an LRPP in coordination with the Department of Commerce.

**Section 17** amends s. 420.511, F.S., to remove the provision that the Secretary of Commerce, or their designee, serves as the Florida Housing Finance Corporation's representative to achieve planning coordination and integration with the department.

**Sections 13-15 and 18-21** amend ss. 121.021, 121.051, 186.021, 489.145, 985.619, 1002.37, and 402.56, F.S., respectively, to make technical and conforming changes.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 216.011, 216.013, 216.023, 216.163, 216.177, 216.181, 216.1827, 216.262, 216.292, 20.055, 121.021, 121.051, 186.021, 420.0003, 420.511, 985.619, and 1002.37.

This bill repeals the following sections of the Florida Statutes: 216.1815 and 216.1826.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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

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