

Legislative Budget Commission

AUTHORITY

The Legislative Budget Commission (the Commission) is created in section 19, Article 3, of the Florida Constitution, section 11.90, Florida Statutes, and the Joint Rules of the Florida Legislature. While the Legislature has the constitutional duty to appropriate the moneys in the state treasury, the Legislature has recognized the need for modifications to the budget during the interim between legislative sessions. To this end, the Constitution delegates authority to the Commission to oversee certain aspects of the implementation of the approved budget for the State of Florida. The Commission is empowered in Chapter 216, Florida Statutes, to ratify certain adjustments to the budget as recommended by the Governor or the Chief Justice of the Supreme Court without the concurrence of the full legislature. The Commission is also charged with developing the long-range financial outlook described in section 19, Article 3 of the Constitution, and with reviewing proposed information technology-related budget amendments in specified instances.

The Commission is comprised of 14 legislative Members – seven House Members appointed by the Speaker and seven Senators appointed by the President. From November of each odd-numbered year through October of each even-numbered year, the Senate chairs the Commission and the House is the vice chair. From November of each even-numbered year through October of each odd-numbered year, the House chairs the Commission and the Senate is vice chair.¹

PURPOSE

The Legislative Budget Commission is a standing joint committee of the Legislature created to:

- 1) Review and approve or disapprove agency requests to amend original approved budgets;²
- 2) Review agency spending plans;³
- 3) Review the recommendations of the Technology Review Workgroup regarding information technology issues;⁴ and
- 4) Take other actions related to the fiscal matters of the state, as authorized by law.

In addition, the Chair and Vice Chair of the Commission, on behalf of the Legislature, may object to any agency action that exceeds the authority delegated to the executive or judicial branches, or is contrary to legislative policy and intent, regardless of whether that action is subject to legislative consultation or Commission approval.⁵

¹ § 11.90(1) F.S.

² § 216.181(2) F.S.

³ § 11.90 F.S.

⁴ § 216.0446 F.S.

⁵ § 216.177(2)(b), F.S.

GENERAL POLICIES AND PROCEDURES

Meeting Times

Meetings of the Commission will convene at the call of the President of the Senate and the Speaker of the House of Representatives at least quarterly. Additional meetings may be scheduled as directed by the presiding officers or upon the call of the Chair of the Commission. The Secretary of the Senate (when the chairperson is a Senator) or the Clerk of the House of Representatives (when the chairperson is a Representative) will issue notice of Commission meetings no less than seven (7) days prior to the meeting date. In a collaborative effort, the agency requesting the amendment, the Executive Office of the Governor, and legislative staff are responsible for the timely handling of all actions requiring legislative consultation or Commission approval.

Meeting Procedures

- 1) The Legislative Budget Commission will be governed by joint rules of the Senate and House of Representatives.
- 2) The Legislative Budget Commission agenda will consist of the following parts:
 - a) Consideration of proposed budget amendments;
 - b) Technology Review Workgroup recommendations and review;
 - c) Objections to agency actions or proposed agency actions; and
 - d) Other actions as necessary.
- 3) The Legislative Budget Commission agenda and meeting materials will be prepared, coordinated, published, and distributed in accordance with the format of Attachment 1.
- 4) The Chair, in consultation with the Vice Chair, will approve the agenda.
- 5) The Commission will be staffed jointly by the appropriations committees of the Senate and House of Representatives. The House staff will serve as lead staff when the House has the chair and the Senate staff will serve as lead staff when the Senate has the chair.
- 6) The Chair of the Commission will designate a Commission administrative assistant who will be responsible for distributing Commission documents, reporting Commission actions, and maintaining Commission records.
- 7) The agenda and all supporting forms and information will be transmitted to members of the Legislative Budget Commission via electronic transmission or overnight mail no later than one week prior to the next regularly scheduled meeting. The agenda with Legislative Budget Commission forms will also be made available electronically to all Members of the Senate and House no later than one week before the scheduled meeting.
- 8) Agency budget officers or their designees will present proposed budget amendments or other items pertinent to the Commission.

Reporting Commission Actions

- 1) After the Legislative Budget Commission meeting:
 - a. Commission staff will update the Legislative Budget Commission forms to reflect Commission action.
 - b. The Commission administrative assistant will:
 - i. Notify the Executive Office of the Governor in writing of Commission action (see Attachment 2); and
 - ii. Ensure that Commission actions with the completed Commission forms are posted on the Legislative web site within 2 working days after the Commission meeting.
 - c. The Executive Office of the Governor will post approved budget amendments to the appropriations ledger and distribute the notification of the Commission's action in accordance with the procedures outlined in Office of Policy and Budget Procedure Amending an Agency's Original Approved Budget.
- 2) Paper copies of the agenda with all supporting forms and information constitute the official record of the Commission meeting. The chamber responsible for staffing the Commission will maintain these records.

COMMISSION RESPONSIBILITIES

Chapter 216, F.S., directs the Legislative Budget Commission to answer budget questions that may arise throughout the year⁶ and empowers the Commission to ensure that the funding for the executive and judicial branches remains appropriate and sufficient until the Legislature reconvenes for the following Legislative Session. There are three levels of Commission oversight for proposed agency actions impacting the implementation of the state budget: **Approval, Consultation, and Notification**. The types of proposed actions that require Commission approval or review are detailed below.

Actions requiring Commission approval or review

1. Budget amendments transferring appropriations from a qualified expenditure category (QEC) to traditional operating categories (s. 216.011(1) (ss), F.S.)
2. Adjustments to approved annual salary rate (s. 216.181(10)(a), F.S.)
3. Changes in the amounts appropriated from trust funds in excess of \$1 million (s. 216.181(11), F.S.)
4. The transfer of General Revenue appropriations for operations in the executive branch or judicial branch in excess of the amount authorized in ss. 216.292(2) and (3), F.S. (s.

⁶ § 216.177(1)(b) F.S.

Adopted by the Legislative Budget Commission on February 18, 2009

216.292(4)(a), F.S.) (in excess of the amounts authorized for notice or 14 day consultation amendments)

5. The transfer of trust fund appropriations for operations in either the executive or judicial branches in excess of the amount authorized in s. 216.292(3), F.S., which are greater than 5% of the original approved budget or \$1 million, whichever is greater, but within a state agency or within the judicial branch. (s. 216.292(4)(b), F.S.)
6. The transfer of appropriations in the executive branch or the judicial branch for fixed capital outlay. Transfers of FCO excess are permissible for same year, same fund projects, scope of projects may not change (s. 216.292(4)(c), F.S.)
7. The implementation of reorganizations in the executive branch or the judicial branch which have been mandated by the Legislature but were not included in the General Appropriations Act (s. 216.292(4)(d), F.S.)
8. The initiation of new programs or changes in current programs in the executive branch or the judicial branch that are not contemplated by the General Appropriations Act (s. 216.241, F.S.);
9. Amounts to be expended pursuant to a settlement agreement when the Legislature has not appropriated such funds (s. 216.216, F.S.)
10. The transfer of funds to satisfy the budget authority granted for a declared emergency after the expiration of the emergency (s. 252.37(2), F.S.)
11. The roll forward of budget authority into a succeeding fiscal year for project phases in the adopted transportation work program (s. 339.135(6)(c), F.S.)
12. Modifications to the adopted work program which require the transfer of fixed capital outlay appropriations between categories or the increase of an appropriations category (s. 339.135(7)(g), F.S.)
13. The transfer of General Revenue appropriations among the departments of Health, Juvenile Justice, Children and Family Services, and Corrections necessary to match federal funds received by the Office of Community Partners (s. 402.80, F.S.)
14. The transfer of funds from a school district's class size reduction operating categorical to the district's approved fixed capital outlay account for class size reduction (s. 1003.03, F.S.)
15. Actions increasing the number of positions authorized by the legislature for executive branch agencies and judicial branch entities (s. 216.262(1)(a), F.S.)

Process to propose a budget amendment for consideration by the Commission

- 1) Agencies requesting budget amendments that require approval of the Legislative Budget Commission must submit the request through the Budget Amendment Processing System (BAPS) to the Executive Office of the Governor in accordance with the provisions of the Office of Policy and Budget Procedure *Amending an Agency's Original Approved Budget*. Actions proposed by Judicial Branch agencies will be transmitted to the Governor for processing in his capacity as the state's Chief Budget Officer, and will be forwarded to the Legislature in the same manner as those submitted by executive branch agencies.
- 2) The Office of Policy and Budget (OPB) will perform a technical and preliminary analytical review of the request. At least three weeks prior to the next regularly scheduled Commission meeting, OPB will submit the agency request to the staff of the Commission.
- 3) After its review and recommendations are complete but no later than 14 days prior to the next regularly scheduled Commission meeting, the Executive Office of the Governor shall transmit the amendments electronically through the Budget Amendment Processing System (BAPS) to the Senate and House fiscal committees with the recommendations of the Executive Office of the Governor.
- 4) Each item will be referred to the appropriate Commission staff for review and analysis and scheduled for a future Legislative Budget Commission meeting, as determined by the Chair of the Commission.
- 5) Staff for the Commission may prepare recommendations, must complete the Legislative Budget Commission form for budget amendments, and must ensure that budget amendments needing Commission approval are expeditiously processed.

Technology Review Workgroup⁷

The Legislative Budget Commission works alongside the Technology Review Workgroup (TRW) to review information resource management needs identified in the agencies long-range program plans and budget requests. The TRW independently reviews the agencies' technology and information management resources and reports its recommendations to the Commission. TRW also reviews and makes recommendations to the Commission relating to proposed budget amendments and agency transfers associated with information technology initiatives and projects that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total cost over a 1-year period.

Attachments:

1. Legislative Budget Commission Form
2. Legislative Budget Commission Action Notification Form

⁷ §§ 216.0446, 11.90(7) F.S.

Adopted by the Legislative Budget Commission on February 18, 2009

ATTACHMENT 1

Agency

EOG Number: BXXXX-XXXX

<i>Problem Statement:</i>	
<i>Agency Request:</i>	
<i>Governor's Recommendation:</i>	
<i>Commission Staff Comments:</i>	
<i>Senate Committee:</i> <i>Senate Analyst:</i>	<i>House Committee:</i> <i>House Analyst:</i>

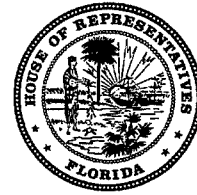


Jeff Atwater
President of the Senate

ATTACHMENT 2
THE FLORIDA LEGISLATURE
LEGISLATIVE BUDGET COMMISSION

Location
221 The Capitol

Mailing Address
402 South Monroe Street
Tallahassee, Florida 32399-1300
(850) 488-6204
Representative David Rivera, Chair
Representative Marcelo Llorente, vice Chair
Senator Ken Pruitt, Vice Chair
Legislature's Website: <http://www.leg.state.fl.us>



Larry Cretul
Speaker pro tempore of the
House of Representatives

(Date)

Name, Director
Office of Policy and Budget
Executive Office of the Governor
1702 The Capitol
Tallahassee, FL 32399-0001

Dear _____:

Pursuant to the provisions of Chapter 216, Florida Statutes, the Legislative Budget Commission met on February 19, 2009, and took the following actions as provided on the enclosed Legislative Budget Commission forms:

If you have any questions or need further information, please contact my office.

Sincerely,

Chair
Legislative Budget Commission

Enclosures

cc: Honorable Alex Sink, Chief Financial Officer

