

By the Committee on General Appropriations and Representative Pruitt

1 House Joint Resolution

2 A joint resolution proposing an amendment to

3 Section 19 of Article III of the State

4 Constitution relating to trust funds.

5

6 Be It Resolved by the Legislature of the State of Florida:

7

8 That the amendment to Section 19 of Article III of the

9 State Constitution set forth below is agreed to and shall be

10 submitted to the electors of Florida for approval or rejection

11 at the general election to be held in November 2000:

12 SECTION 19. State Budgeting, Planning and

13 Appropriations Processes.--

14 (a) ANNUAL BUDGETING. Effective July 1, 1994, general

15 law shall prescribe the adoption of annual state budgetary and

16 planning processes and require that detail reflecting the

17 annualized costs of the state budget and reflecting the

18 nonrecurring costs of the budget requests shall accompany

19 state department and agency legislative budget requests, the

20 governor's recommended budget, and appropriation bills. For

21 purposes of this subsection, the terms department and agency

22 shall include the judicial branch.

23 (b) APPROPRIATION BILLS FORMAT. Separate sections

24 within the general appropriation bill shall be used for each

25 major program area of the state budget; major program areas

26 shall include: education enhancement "lottery" trust fund

27 items; education (all other funds); human services; criminal

28 justice and corrections; natural resources, environment,

29 growth management, and transportation; general government; and

30 judicial branch. Each major program area shall include an

31 itemization of expenditures for: state operations; state

1 capital outlay; aid to local governments and nonprofit
2 organizations operations; aid to local governments and
3 nonprofit organizations capital outlay; federal funds and the
4 associated state matching funds; spending authorizations for
5 operations; and spending authorizations for capital outlay.
6 Additionally, appropriation bills passed by the legislature
7 shall include an itemization of specific appropriations that
8 exceed one million dollars (\$1,000,000.00) in 1992 dollars.
9 For purposes of this subsection, "specific appropriation,"
10 "itemization," and "major program area" shall be defined by
11 law. This itemization threshold shall be adjusted by general
12 law every four years to reflect the rate of inflation or
13 deflation as indicated in the Consumer Price Index for All
14 Urban Consumers, U.S. City Average, All Items, or successor
15 reports as reported by the United States Department of Labor,
16 Bureau of Labor Statistics or its successor. Substantive bills
17 containing appropriations shall also be subject to the
18 itemization requirement mandated under this provision and
19 shall be subject to the governor's specific appropriation veto
20 power described in Article III, Section 8. This subsection
21 shall be effective July 1, 1994.

22 (c) APPROPRIATIONS REVIEW PROCESS. Effective July 1,
23 1993, general law shall prescribe requirements for each
24 department and agency of state government to submit a planning
25 document and supporting budget request for review by the
26 appropriations committees of both houses of the legislature.
27 The review shall include a comparison of the major issues in
28 the planning document and budget requests to those major
29 issues included in the governor's recommended budget. For
30 purposes of this subsection, the terms department and agency
31 shall include the judicial branch.

1 (d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. All
2 general appropriation bills shall be furnished to each member
3 of the legislature, each member of the cabinet, the governor,
4 and the chief justice of the supreme court at least
5 seventy-two hours before final passage by either house of the
6 legislature of the bill in the form that will be presented to
7 the governor.

8 (e) FINAL BUDGET REPORT. Effective November 4, 1992,
9 a final budget report shall be prepared as prescribed by
10 general law. The final budget report shall be produced no
11 later than the 90th day after the beginning of the fiscal
12 year, and copies of the report shall be furnished to each
13 member of the legislature, the head of each department and
14 agency of the state, the auditor general, and the chief
15 justice of the supreme court.

16 (f) TRUST FUNDS.

17 (1) No trust fund of the State of Florida or other
18 public body may be created by law without a three-fifths (3/5)
19 vote of the membership of each house of the legislature in a
20 separate bill for that purpose only, except that, in the case
21 of an emergency declared pursuant to general law, the governor
22 and cabinet may create trust funds for that purpose, which
23 shall terminate on July 1 following the next regular session
24 of the legislature after their creation.

25 (2) Each trust fund created by law ~~State trust funds~~
26 ~~in existence before the effective date of this subsection~~
27 ~~shall terminate not more than four years after the effective~~
28 ~~date of this subsection. State trust funds created after the~~
29 ~~effective date of this subsection~~ shall terminate not more
30 than four years after the effective date of the act
31 authorizing the initial creation of the trust fund. By law

1 the legislature may set a shorter time period for which any
2 trust fund is authorized. By law the legislature may continue
3 a trust fund by re-creating it at the time of its scheduled
4 termination and may provide by law for periodic review of
5 re-created trust funds.

6 (3) Trust funds required by federal programs or
7 mandates; trust funds established for bond covenants,
8 indentures, or resolutions, whose revenues are legally pledged
9 by the state or public body to meet debt service or other
10 financial requirements of any debt obligations of the state or
11 any public body; the state transportation trust fund; the
12 trust fund containing the net annual proceeds from the Florida
13 Education Lotteries; the Florida retirement trust fund; trust
14 funds for institutions under the management of the Board of
15 Regents, where such trust funds are for auxiliary enterprises
16 and contracts, grants, and donations, as those terms are
17 defined by general law; trust funds that serve as clearing
18 funds or accounts for the comptroller or state agencies; trust
19 funds that account for assets held by the state in a trustee
20 capacity as an agent or fiduciary for individuals, private
21 organizations, or other governmental units; and other trust
22 funds authorized by this Constitution, are not subject to the
23 requirements set forth in paragraph (2) of this subsection.

24 (4) All cash balances and income of any trust funds
25 terminated ~~abolished~~ under this subsection shall be deposited
26 into the general revenue fund.

27 (5) The provisions of this subsection shall be
28 effective November 4, 2000 ~~1992~~.

29 (g) BUDGET STABILIZATION FUND. Beginning with the
30 1994-1995 fiscal year, at least 1% of an amount equal to the
31 last completed fiscal year's net revenue collections for the

1 general revenue fund shall be retained in a budget
2 stabilization fund. The budget stabilization fund shall be
3 increased to at least 2% of said amount for the 1995-1996
4 fiscal year, at least 3% of said amount for the 1996-1997
5 fiscal year, at least 4% of said amount for the 1997-1998
6 fiscal year, and at least 5% of said amount for the 1998-1999
7 fiscal year. Subject to the provisions of this subsection,
8 the budget stabilization fund shall be maintained at an amount
9 equal to at least 5% of the last completed fiscal year's net
10 revenue collections for the general revenue fund. The budget
11 stabilization fund's principal balance shall not exceed an
12 amount equal to 10% of the last completed fiscal year's net
13 revenue collections for the general revenue fund. The
14 legislature shall provide criteria for withdrawing funds from
15 the budget stabilization fund in a separate bill for that
16 purpose only and only for the purpose of covering revenue
17 shortfalls of the general revenue fund or for the purpose of
18 providing funding for an emergency, as defined by general law.
19 General law shall provide for the restoration of this fund.
20 The budget stabilization fund shall be comprised of funds not
21 otherwise obligated or committed for any purpose.

22 (h) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY
23 PLANNING DOCUMENT PROCESSES. The governor shall recommend to
24 the legislature biennially any revisions to the state planning
25 document, as defined by law. General law shall require a
26 biennial review and revision of the state planning document,
27 shall require the governor to report to the legislature on the
28 progress in achieving the state planning document's goals, and
29 shall require all departments and agencies of state government
30 to develop planning documents consistent with the state
31 planning document. The state planning document and department

1 and agency planning documents shall remain subject to review
2 and revision by the legislature. The department and agency
3 planning documents shall include a prioritized listing of
4 planned expenditures for review and possible reduction in the
5 event of revenue shortfalls, as defined by general law. To
6 ensure productivity and efficiency in the executive,
7 legislative, and judicial branches, a quality management and
8 accountability program shall be implemented by general law.
9 For the purposes of this subsection, the terms department and
10 agency shall include the judicial branch. This subsection
11 shall be effective July 1, 1993.

12 BE IT FURTHER RESOLVED that, effective January 7, 2003,
13 Section 19 of Article III of the State Constitution, as
14 amended by Revision No. 8, 1998, of the Constitution Revision
15 Commission, is amended to read:

16 SECTION 19. State Budgeting, Planning and
17 Appropriations Processes.--

18 (a) ANNUAL BUDGETING. Effective July 1, 1994, general
19 law shall prescribe the adoption of annual state budgetary and
20 planning processes and require that detail reflecting the
21 annualized costs of the state budget and reflecting the
22 nonrecurring costs of the budget requests shall accompany
23 state department and agency legislative budget requests, the
24 governor's recommended budget, and appropriation bills. For
25 purposes of this subsection, the terms department and agency
26 shall include the judicial branch.

27 (b) APPROPRIATION BILLS FORMAT. Separate sections
28 within the general appropriation bill shall be used for each
29 major program area of the state budget; major program areas
30 shall include: education enhancement "lottery" trust fund
31 items; education (all other funds); human services; criminal

1 justice and corrections; natural resources, environment,
2 growth management, and transportation; general government; and
3 judicial branch. Each major program area shall include an
4 itemization of expenditures for: state operations; state
5 capital outlay; aid to local governments and nonprofit
6 organizations operations; aid to local governments and
7 nonprofit organizations capital outlay; federal funds and the
8 associated state matching funds; spending authorizations for
9 operations; and spending authorizations for capital outlay.
10 Additionally, appropriation bills passed by the legislature
11 shall include an itemization of specific appropriations that
12 exceed one million dollars (\$1,000,000.00) in 1992 dollars.
13 For purposes of this subsection, "specific appropriation,"
14 "itemization," and "major program area" shall be defined by
15 law. This itemization threshold shall be adjusted by general
16 law every four years to reflect the rate of inflation or
17 deflation as indicated in the Consumer Price Index for All
18 Urban Consumers, U.S. City Average, All Items, or successor
19 reports as reported by the United States Department of Labor,
20 Bureau of Labor Statistics or its successor. Substantive bills
21 containing appropriations shall also be subject to the
22 itemization requirement mandated under this provision and
23 shall be subject to the governor's specific appropriation veto
24 power described in Article III, Section 8. This subsection
25 shall be effective July 1, 1994.

26 (c) APPROPRIATIONS REVIEW PROCESS. Effective July 1,
27 1993, general law shall prescribe requirements for each
28 department and agency of state government to submit a planning
29 document and supporting budget request for review by the
30 appropriations committees of both houses of the legislature.
31 The review shall include a comparison of the major issues in

1 the planning document and budget requests to those major
2 issues included in the governor's recommended budget. For
3 purposes of this subsection, the terms department and agency
4 shall include the judicial branch.

5 (d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. All
6 general appropriation bills shall be furnished to each member
7 of the legislature, each member of the cabinet, the governor,
8 and the chief justice of the supreme court at least
9 seventy-two hours before final passage by either house of the
10 legislature of the bill in the form that will be presented to
11 the governor.

12 (e) FINAL BUDGET REPORT. Effective November 4, 1992,
13 a final budget report shall be prepared as prescribed by
14 general law. The final budget report shall be produced no
15 later than the 90th day after the beginning of the fiscal
16 year, and copies of the report shall be furnished to each
17 member of the legislature, the head of each department and
18 agency of the state, the auditor general, and the chief
19 justice of the supreme court.

20 (f) TRUST FUNDS.

21 (1) No trust fund of the State of Florida or other
22 public body may be created by law without a three-fifths (3/5)
23 vote of the membership of each house of the legislature in a
24 separate bill for that purpose only, except that, in the case
25 of an emergency declared pursuant to general law, the governor
26 and cabinet may create trust funds for that purpose, which
27 shall terminate on July 1 following the next regular session
28 of the legislature after their creation.

29 (2) Each trust fund created by law ~~State trust funds~~
30 ~~in existence before the effective date of this subsection~~
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3 than four years after the effective date of the act
4 authorizing the initial creation of the trust fund. By law
5 the legislature may set a shorter time period for which any
6 trust fund is authorized. By law the legislature may continue
7 a trust fund by re-creating it at the time of its scheduled
8 termination and may provide by law for periodic review of
9 re-created trust funds.

10 (3) Trust funds required by federal programs or
11 mandates; trust funds established for bond covenants,
12 indentures, or resolutions, whose revenues are legally pledged
13 by the state or public body to meet debt service or other
14 financial requirements of any debt obligations of the state or
15 any public body; the state transportation trust fund; the
16 trust fund containing the net annual proceeds from the Florida
17 Education Lotteries; the Florida retirement trust fund; trust
18 funds for institutions under the management of the Board of
19 Regents, where such trust funds are for auxiliary enterprises
20 and contracts, grants, and donations, as those terms are
21 defined by general law; trust funds that serve as clearing
22 funds or accounts for the chief financial officer or state
23 agencies; trust funds that account for assets held by the
24 state in a trustee capacity as an agent or fiduciary for
25 individuals, private organizations, or other governmental
26 units; and other trust funds authorized by this Constitution,
27 are not subject to the requirements set forth in paragraph (2)
28 of this subsection.

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30 terminated ~~abolished~~ under this subsection shall be deposited
31 into the general revenue fund.

1 (5) The provisions of this subsection shall be
2 effective November 4, 2000 ~~1992~~.

3 (g) BUDGET STABILIZATION FUND. Beginning with the
4 1994-1995 fiscal year, at least 1% of an amount equal to the
5 last completed fiscal year's net revenue collections for the
6 general revenue fund shall be retained in a budget
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8 increased to at least 2% of said amount for the 1995-1996
9 fiscal year, at least 3% of said amount for the 1996-1997
10 fiscal year, at least 4% of said amount for the 1997-1998
11 fiscal year, and at least 5% of said amount for the 1998-1999
12 fiscal year. Subject to the provisions of this subsection,
13 the budget stabilization fund shall be maintained at an amount
14 equal to at least 5% of the last completed fiscal year's net
15 revenue collections for the general revenue fund. The budget
16 stabilization fund's principal balance shall not exceed an
17 amount equal to 10% of the last completed fiscal year's net
18 revenue collections for the general revenue fund. The
19 legislature shall provide criteria for withdrawing funds from
20 the budget stabilization fund in a separate bill for that
21 purpose only and only for the purpose of covering revenue
22 shortfalls of the general revenue fund or for the purpose of
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28 PLANNING DOCUMENT PROCESSES. The governor shall recommend to
29 the legislature biennially any revisions to the state planning
30 document, as defined by law. General law shall require a
31 biennial review and revision of the state planning document,

1 shall require the governor to report to the legislature on the
2 progress in achieving the state planning document's goals, and
3 shall require all departments and agencies of state government
4 to develop planning documents consistent with the state
5 planning document. The state planning document and department
6 and agency planning documents shall remain subject to review
7 and revision by the legislature. The department and agency
8 planning documents shall include a prioritized listing of
9 planned expenditures for review and possible reduction in the
10 event of revenue shortfalls, as defined by general law. To
11 ensure productivity and efficiency in the executive,
12 legislative, and judicial branches, a quality management and
13 accountability program shall be implemented by general law.
14 For the purposes of this subsection, the terms department and
15 agency shall include the judicial branch. This subsection
16 shall be effective July 1, 1993.

17 BE IT FURTHER RESOLVED that in accordance with the
18 requirements of section 101.161, Florida Statutes, the title
19 and substance of the amendment proposed herein shall appear on
20 the ballot as follows:

21 CREATION, TERMINATION, AND RE-CREATION OF TRUST FUNDS
22 Authorizes the Governor and Cabinet, during a lawfully
23 declared emergency, to create trust funds for that purpose,
24 which shall terminate July 1 after the next regular
25 legislative session following their creation. Limits
26 constitutional termination of trust funds to their initial
27 four years, and authorizes the Legislature by law to re-create
28 trust funds at the time of their scheduled termination and
29 periodically review them.

30
31