

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Negron offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the resolving clause and insert:

5 That the amendments to Section 19 of Article III and  
6 Section 1 of Article VII of the State Constitution set forth  
7 below are agreed to and shall be submitted to the electors of  
8 Florida for approval or rejection at the general election to be  
9 held in November 2004:

10

ARTICLE III

11

LEGISLATURE

12

SECTION 19. State Budgeting, Planning and Appropriations  
13 Processes.--

14

(a) ANNUAL BUDGETING.

15

(1) ~~Effective July 1, 1994,~~ General law shall prescribe  
16 the adoption of annual state budgetary and planning processes

912513

Amendment No. (for drafter's use only)

17 and require that detail reflecting the annualized costs of the  
18 state budget and reflecting the nonrecurring costs of the budget  
19 requests shall accompany state department and agency legislative  
20 budget requests, the governor's recommended budget, and  
21 appropriation bills.

22 (2) Unless approved by a three-fifths vote of the  
23 membership of each house, appropriations made for recurring  
24 purposes from nonrecurring general revenue funds for any fiscal  
25 year shall not exceed three percent of the total general revenue  
26 funds available.

27 (3) Each state department and agency shall be required to  
28 submit a legislative budget request that is based upon and that  
29 reflects the long-range fiscal plan adopted by the joint  
30 legislative budget commission.

31 (4) For purposes of this section subsection, the terms  
32 department and agency shall include the judicial branch.

33 (b) APPROPRIATION BILLS FORMAT. Separate sections within  
34 the general appropriation bill shall be used for each major  
35 program area of the state budget; major program areas shall  
36 include: education enhancement "lottery" trust fund items;  
37 education (all other funds); human services; criminal justice  
38 and corrections; natural resources, environment, growth  
39 management, and transportation; general government; and judicial  
40 branch. Each major program area shall include an itemization of  
41 expenditures for: state operations; state capital outlay; aid  
42 to local governments and nonprofit organizations operations; aid  
43 to local governments and nonprofit organizations capital outlay;  
44 federal funds and the associated state matching funds; spending

912513

Amendment No. (for drafter's use only)

45 | authorizations for operations; and spending authorizations for  
46 | capital outlay. Additionally, appropriation bills passed by the  
47 | legislature shall include an itemization of specific  
48 | appropriations that exceed one million dollars (\$1,000,000.00)  
49 | in 1992 dollars. For purposes of this subsection, "specific  
50 | appropriation," "itemization," and "major program area" shall be  
51 | defined by law. This itemization threshold shall be adjusted by  
52 | general law every four years to reflect the rate of inflation or  
53 | deflation as indicated in the Consumer Price Index for All Urban  
54 | Consumers, U.S. City Average, All Items, or successor reports as  
55 | reported by the United States Department of Labor, Bureau of  
56 | Labor Statistics or its successor. Substantive bills containing  
57 | appropriations shall also be subject to the itemization  
58 | requirement mandated under this provision and shall be subject  
59 | to the governor's specific appropriation veto power described in  
60 | Article III, Section 8. This subsection shall be effective July  
61 | 1, 1994.

62 | (c) APPROPRIATIONS REVIEW PROCESS.

63 | (1) No later than August 15 of each year, the joint  
64 | legislative budget commission shall issue, as prescribed by  
65 | general law or joint rule, a long-range plan setting out fiscal  
66 | goals and objectives for the state and its departments and  
67 | agencies. The long-range fiscal plan must include major workload  
68 | and revenue estimates. In order to implement this paragraph, the  
69 | joint legislative budget commission may request consensus  
70 | estimating conferences to develop official estimates.

71 | (2) In consultation with the governor, the joint  
72 | legislative budget commission shall issue instructions to the

912513

Amendment No. (for drafter's use only)

73 departments and agencies for developing legislative budget  
74 requests. Each year, no later than September 15 or such other  
75 date as may be established by the joint legislative budget  
76 commission, each department and agency shall submit a  
77 legislative budget request for the ensuing fiscal year to the  
78 legislature and to the governor. The legislative budget request  
79 must be consistent, as prescribed by general law or joint rule,  
80 with the long-range fiscal plan. The legislative budget request  
81 shall include a prioritized listing of planned expenditures for  
82 review and possible reduction in the event of revenue  
83 shortfalls, as defined by general law.

84 (3) The joint legislative budget commission shall hold  
85 public hearings and seek public input, as prescribed by joint  
86 rule, in order to allow each department and agency to provide an  
87 independent assessment of the needs reflected in its current  
88 budget request. In addition, the commission shall review the  
89 performance measures proposed by the departments and agencies in  
90 order to ensure that necessary information is available to  
91 assist the legislature in making policy and budget decisions.

92 (4) At least forty days before the convening of each  
93 regular session of the legislature, or such other date as may be  
94 established by the joint legislative budget commission, the  
95 governor shall provide a recommended budget and supporting  
96 legislation, balanced within revenue estimates adjusted for the  
97 anticipated effects of the supporting legislation, to the  
98 members of the legislature.

99 (5) The legislature shall prescribe by general law  
100 conditions under which limited adjustments to the budget, as

912513

Amendment No. (for drafter's use only)

101 recommended by the governor or the chief justice of the supreme  
102 court, may be approved without the concurrence of the full  
103 legislature. ~~Effective July 1, 1993, general law shall prescribe~~  
104 ~~requirements for each department and agency of state government~~  
105 ~~to submit a planning document and supporting budget request for~~  
106 ~~review by the appropriations committees of both houses of the~~  
107 ~~legislature. The review shall include a comparison of the major~~  
108 ~~issues in the planning document and budget requests to those~~  
109 ~~major issues included in the governor's recommended budget. For~~  
110 ~~purposes of this subsection, the terms department and agency~~  
111 ~~shall include the judicial branch.~~

112 (d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. All general  
113 appropriation bills shall be furnished to each member of the  
114 legislature, each member of the cabinet, the governor, and the  
115 chief justice of the supreme court at least seventy-two hours  
116 before final passage by either house of the legislature of the  
117 bill in the form that will be presented to the governor.

118 (e) FINAL BUDGET REPORT. Effective November 4, 1992, a  
119 final budget report shall be prepared as prescribed by general  
120 law. The final budget report shall be produced no later than  
121 the 90th day after the beginning of the fiscal year, and copies  
122 of the report shall be furnished to each member of the  
123 legislature, the head of each department and agency of the  
124 state, the auditor general, and the chief justice of the supreme  
125 court.

126 (f) TRUST FUNDS.

127 (1) No trust fund of the State of Florida or other public  
128 body may be created by law without a three-fifths (3/5) vote of

912513

Amendment No. (for drafter's use only)

129 the membership of each house of the legislature in a separate  
130 bill for that purpose only.

131 ~~(2) State trust funds in existence before the effective~~  
132 ~~date of this subsection shall terminate not more than four years~~  
133 ~~after the effective date of this subsection.~~ State trust funds  
134 ~~created after the effective date of this subsection~~ shall  
135 terminate not more than four years after the effective date of  
136 the act authorizing the initial creation of the trust fund. By  
137 law the legislature may set a shorter time period for which any  
138 trust fund is authorized.

139 (3) Trust funds required by federal programs or mandates;  
140 trust funds established for bond covenants, indentures, or  
141 resolutions, whose revenues are legally pledged by the state or  
142 public body to meet debt service or other financial requirements  
143 of any debt obligations of the state or any public body; the  
144 state transportation trust fund; the trust fund containing the  
145 net annual proceeds from the Florida Education Lotteries; the  
146 Florida retirement trust fund; trust funds for institutions  
147 under the management of the Board of Regents, where such trust  
148 funds are for auxiliary enterprises and contracts, grants, and  
149 donations, as those terms are defined by general law; trust  
150 funds that serve as clearing funds or accounts for the chief  
151 financial officer or state agencies; trust funds that account  
152 for assets held by the state in a trustee capacity as an agent  
153 or fiduciary for individuals, private organizations, or other  
154 governmental units; and other trust funds authorized by this  
155 Constitution, are not subject to the requirements set forth in  
156 paragraph (2) of this subsection.

912513

Amendment No. (for drafter's use only)

157 (4) All cash balances and income of any trust funds  
158 abolished under this subsection shall be deposited into the  
159 general revenue fund.

160 (5) The provisions of this subsection shall be effective  
161 November 4, 1992.

162 (g) BUDGET STABILIZATION FUND. ~~Beginning with the 1994-~~  
163 ~~1995 fiscal year, at least 1% of an amount equal to the last~~  
164 ~~completed fiscal year's net revenue collections for the general~~  
165 ~~revenue fund shall be retained in a budget stabilization fund.~~  
166 ~~The budget stabilization fund shall be increased to at least 2%~~  
167 ~~of said amount for the 1995-1996 fiscal year, at least 3% of~~  
168 ~~said amount for the 1996-1997 fiscal year, at least 4% of said~~  
169 ~~amount for the 1997-1998 fiscal year, and at least 5% of said~~  
170 ~~amount for the 1998-1999 fiscal year. Subject to the provisions~~  
171 ~~of this subsection, the budget stabilization fund shall be~~  
172 ~~maintained at an amount equal to at least 5% of the last~~  
173 ~~completed fiscal year's net revenue collections for the general~~  
174 ~~revenue fund shall be retained in a budget stabilization fund.~~  
175 The budget stabilization fund's principal balance shall not  
176 exceed an amount equal to 10% of the last completed fiscal  
177 year's net revenue collections for the general revenue fund.  
178 The legislature shall provide criteria for withdrawing funds  
179 from the budget stabilization fund in a separate bill for that  
180 purpose only and only for the purpose of covering revenue  
181 shortfalls of the general revenue fund or for the purpose of  
182 providing funding for an emergency, as defined by general law.  
183 General law shall provide for the restoration of this fund. The

912513

Amendment No. (for drafter's use only)

184 budget stabilization fund shall be comprised of funds not  
185 otherwise obligated or committed for any purpose.

186 (h) LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND  
187 AGENCY PLANNING DOCUMENT PROCESSES. General law shall provide  
188 for a long-range state planning document. The governor shall  
189 recommend to the legislature biennially any revisions to the  
190 long-range state planning document, as defined by law. General  
191 law shall require a biennial review and revision of the long-  
192 range state planning document, shall require the governor to  
193 report to the legislature on the progress in achieving the state  
194 planning document's goals, and shall require all departments and  
195 agencies of state government to develop planning documents that  
196 identify statewide strategic goals and objectives, consistent  
197 with the long-range state planning document. The long-range  
198 state planning document and department and agency planning  
199 documents shall remain subject to review and revision by the  
200 legislature. The joint legislative budget commission may provide  
201 policies and goals that shall be incorporated into the long-  
202 range state planning document. The long-range state planning  
203 document must include projections of future needs and resources  
204 of the state which are consistent with the long-range fiscal  
205 plan. The department and agency planning documents shall include  
206 a prioritized listing of planned expenditures for review and  
207 possible reduction in the event of revenue shortfalls, as  
208 defined by general law. To ensure productivity and efficiency in  
209 the executive, legislative, and judicial branches, a quality  
210 management and accountability program shall be implemented by  
211 general law. For the purposes of this subsection, the terms

912513



Amendment No. (for drafter's use only)

212 ~~department and agency shall include the judicial branch. This~~  
213 ~~subsection shall be effective July 1, 1993.~~

214 (i) GOVERNMENT EFFICIENCY TASK FORCE. During January of  
215 2007, and each fourth year thereafter, the president of the  
216 senate and the speaker of the house of representatives shall  
217 appoint a government efficiency task force, the membership of  
218 which shall be established by general law. The task force shall  
219 be composed of members of the legislature and representatives  
220 from the private sector who shall develop recommendations for  
221 improving governmental operations and reducing costs. Staff to  
222 assist the task force in performing its duties shall be assigned  
223 by general law, and the task force may obtain assistance from  
224 the private sector. The task force shall complete its work  
225 within one year and shall submit its recommendations to the  
226 joint legislative budget commission, the governor, and the chief  
227 justice of the supreme court.

228 (j) JOINT LEGISLATIVE BUDGET COMMISSION. There is created  
229 the joint legislative budget commission composed of the  
230 following members: the president pro tempore of the senate and  
231 four additional senate members appointed by the president of the  
232 senate, one of whom must be the chair of the senate  
233 appropriations committee; and the speaker pro tempore of the  
234 house of representatives and four additional house members  
235 appointed by the speaker of the house of representatives, one of  
236 whom must be the chair of the house appropriations committee.  
237 Each member shall serve at the pleasure of the officer who  
238 appointed the member. A vacancy on the commission shall be  
239 filled in the same manner as the original appointment. From

912513

Amendment No. (for drafter's use only)

240 November of each odd-numbered year through October of each even-  
241 numbered year, the chair of the joint legislative budget  
242 commission shall be the president pro tempore of the senate and  
243 the vice chair of the commission shall be the speaker pro  
244 tempore of the house of representatives. From November of each  
245 even-numbered year through October of each odd-numbered year,  
246 the chair of the joint legislative budget commission shall be  
247 the speaker pro tempore of the house of representatives and the  
248 vice chair of the commission shall be the president pro tempore  
249 of the senate. The joint legislative budget commission shall be  
250 governed by the joint rules of the senate and the house of  
251 representatives, which shall remain in effect until repealed or  
252 amended by concurrent resolution. The commission shall convene  
253 at least quarterly and shall convene at the call of the  
254 president of the senate and speaker of the house of  
255 representatives. A majority of the commission members of each  
256 house constitutes a quorum. Action by the commission requires a  
257 majority vote of the commission members present of each house.  
258 The commission may conduct its meetings through teleconferences  
259 or similar means. In addition to the powers and duties specified  
260 in this subsection, the joint legislative budget commission  
261 shall exercise all other powers and perform any other duties  
262 prescribed by general law or joint rule.

263 ARTICLE VII

264 FINANCE AND TAXATION

265 SECTION 1. Taxation; appropriations; state expenses; state  
266 revenue limitation.--

912513

Amendment No. (for drafter's use only)

267 (a) No tax shall be levied except in pursuance of law. No  
268 state ad valorem taxes shall be levied upon real estate or  
269 tangible personal property. All other forms of taxation shall be  
270 preempted to the state except as provided by general law.

271 (b) Motor vehicles, boats, airplanes, trailers, trailer  
272 coaches and mobile homes, as defined by law, shall be subject to  
273 a license tax for their operation in the amounts and for the  
274 purposes prescribed by law, but shall not be subject to ad  
275 valorem taxes.

276 (c) No money shall be drawn from the treasury except in  
277 pursuance of appropriation made by law.

278 (d) Provision shall be made by law for raising sufficient  
279 revenue to defray the expenses of the state for each fiscal  
280 period.

281 (e) A law enacted after January 1, 2005, may not impose a  
282 tax, expand a tax base, increase a tax rate, or repeal a tax  
283 exemption, unless the law is enacted in a separate bill for that  
284 purpose only by a two-thirds vote of the membership of each  
285 house of the legislature.

286 (f)~~(e)~~ Except as provided herein, state revenues collected  
287 for any fiscal year shall be limited to state revenues allowed  
288 under this subsection for the prior fiscal year plus an  
289 adjustment for growth. As used in this subsection, "growth"  
290 means an amount equal to the average annual rate of growth in  
291 Florida personal income over the most recent twenty quarters  
292 times the state revenues allowed under this subsection for the  
293 prior fiscal year. For the 2005-2006 ~~1995-1996~~ fiscal year and  
294 thereafter, the state revenues allowed under this subsection for

912513

Amendment No. (for drafter's use only)

295 the prior fiscal year shall equal the actual state revenues  
296 collected for the prior 1994-1995 fiscal year less the amount by  
297 which actual collections in that year exceed the state revenues  
298 allowed in that year. Florida personal income shall be  
299 determined by the legislature, from information available from  
300 the United States Department of Commerce or its successor on the  
301 first day of February prior to the beginning of the fiscal year.  
302 State revenues collected for any fiscal year in excess of this  
303 limitation shall be transferred to the budget stabilization fund  
304 until the fund reaches the maximum balance specified in Section  
305 19(g) of Article III, and thereafter shall be refunded to  
306 taxpayers as provided by general law. State revenues allowed  
307 under this subsection for any fiscal year may be increased by a  
308 two-thirds vote of the membership of each house of the  
309 legislature in a separate bill that contains no other subject  
310 and that sets forth the dollar amount by which the state  
311 revenues allowed will be increased. The vote may not be taken  
312 less than seventy-two hours after the third reading of the bill.  
313 For purposes of this subsection, "state revenues" means taxes,  
314 fees, licenses, and charges for goods and services imposed by  
315 the legislature on individuals, businesses, or agencies outside  
316 state government. However, "state revenues" does not include:  
317 revenues that are necessary to meet the requirements set forth  
318 in documents authorizing the issuance of bonds by the state;  
319 ~~revenues that are used to provide matching funds for the federal~~  
320 ~~Medicaid program with the exception of the revenues used to~~  
321 ~~support the Public Medical Assistance Trust Fund or its~~  
322 ~~successor program and with the exception of state matching funds~~

912513

Amendment No. (for drafter's use only)

323 ~~used to fund elective expansions made after July 1, 1994;~~  
324 proceeds from the state lottery returned as prizes; receipts of  
325 the Florida Hurricane Catastrophe Fund; balances carried forward  
326 from prior fiscal years; taxes, licenses, fees, and charges for  
327 goods and services imposed by local, regional, or school  
328 district governing bodies; or revenue from taxes, licenses,  
329 fees, and charges for goods and services required to be imposed  
330 by any amendment or revision to this constitution after July 1,  
331 1994. An adjustment to the revenue limitation shall be made by  
332 general law to reflect the fiscal impact of transfers of  
333 responsibility for the funding of governmental functions between  
334 the state and other levels of government. The legislature shall,  
335 by general law, prescribe procedures necessary to administer  
336 this subsection.

337 BE IT FURTHER RESOLVED that the title and substance of the  
338 amendments proposed herein shall appear on the ballot as  
339 follows:

340 STATE PLANNING AND BUDGETING; LIMITATIONS ON STATE  
341 REVENUES, LEGISLATIVE POWER TO IMPOSE OR INCREASE TAXES  
342 Proposes amendments to Section 19 of Article III and  
343 Section 1 of Article VII of the State Constitution to limit the  
344 amount of nonrecurring general revenue which may be appropriated  
345 for recurring purposes in any fiscal year to 3 percent of the  
346 total general revenue funds available, unless otherwise approved  
347 by a three-fifths vote of the Legislature; to establish a Joint  
348 Legislative Budget Commission, which shall issue long-range  
349 fiscal plans and hold public hearings; to provide requirements  
350 for the Governor in submitting a recommended budget and for

912513

Amendment No. (for drafter's use only)

351 state agencies in preparing and submitting budget requests; to  
352 provide for limited adjustments in the state budget, as provided  
353 by law; to require termination of a trust fund 4 years following  
354 its initial creation; to require the preparation and biennial  
355 revision of a long-range state planning document; to establish a  
356 Government Efficiency Task Force and specify its duties; to  
357 require limits on legislative imposition of or increase in  
358 taxes, expansion of a tax base, or repeal of a tax exemption by  
359 requiring a separate bill for that purpose only and an  
360 extraordinary vote; to change the existing limit on the amount  
361 of revenues the state can receive each year; to limit the growth  
362 in actual revenues from one year to the next, as opposed to the  
363 current provision which limits growth in revenues over the  
364 allowable limit in the prior year; to delete the exclusion from  
365 "state revenues" of revenues that are used to provide matching  
366 funds for the federal Medicaid program; to include charges for  
367 "goods" imposed by the Legislature within the definition of  
368 "state revenues"; and to exclude charges for "goods" imposed by  
369 local, regional, or school district governing bodies or by any  
370 subsequent amendment or revision to the State Constitution from  
371 the definition of "state revenues."

372

373

374 ===== T I T L E A M E N D M E N T =====

375 Remove the entire title and insert:

376 Senate Joint Resolution No. 2506

377 A joint resolution proposing amendments to Section 19 of  
378 Article III and Section 1 of Article VII of the State

912513

Amendment No. (for drafter's use only)

379 | Constitution, relating to requirements for state budget  
380 | planning, spending, and accountability, to a limitation on  
381 | legislative power to impose a tax, expand a tax base,  
382 | increase a tax rate, or repeal a tax exemption, and to the  
383 | limitation on state revenue collections.