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House Joint Resolution

A joint resolution proposing an amendment to Section 19 of Article III of the State Constitution relating to requirements for state budget planning, spending, and accountability.

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

That the amendment to Section 19 of Article III of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2006:

ARTICLE III

LEGISLATURE

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

(a) ANNUAL BUDGETING.

(1) ~~Effective July 1, 1994,~~ General law shall prescribe the adoption of annual state budgetary and planning processes and require that detail reflecting the annualized costs of the state budget and reflecting the nonrecurring costs of the budget requests shall accompany state department and agency legislative budget requests, the governor's recommended budget, and appropriation bills.

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

29 funds estimated to be available at the time such appropriation
 30 is made.

31 (3) As prescribed by general law, each state department
 32 and agency shall be required to submit a legislative budget
 33 request that is based upon and that reflects the long-range
 34 financial outlook adopted by the joint legislative budget
 35 commission or that specifically explains any variance from the
 36 long-range financial outlook contained in the request.

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

39 (b) APPROPRIATION BILLS FORMAT. Separate sections within
 40 the general appropriation bill shall be used for each major
 41 program area of the state budget; major program areas shall
 42 include: education enhancement "lottery" trust fund items;
 43 education (all other funds); human services; criminal justice
 44 and corrections; natural resources, environment, growth
 45 management, and transportation; general government; and judicial
 46 branch. Each major program area shall include an itemization of
 47 expenditures for: state operations; state capital outlay; aid to
 48 local governments and nonprofit organizations operations; aid to
 49 local governments and nonprofit organizations capital outlay;
 50 federal funds and the associated state matching funds; spending
 51 authorizations for operations; and spending authorizations for
 52 capital outlay. Additionally, appropriation bills passed by the
 53 legislature shall include an itemization of specific
 54 appropriations that exceed one million dollars (\$1,000,000.00)
 55 in 1992 dollars. For purposes of this subsection, "specific
 56 appropriation," "itemization," and "major program area" shall be

57 defined by law. This itemization threshold shall be adjusted by
 58 general law every four years to reflect the rate of inflation or
 59 deflation as indicated in the Consumer Price Index for All Urban
 60 Consumers, U.S. City Average, All Items, or successor reports as
 61 reported by the United States Department of Labor, Bureau of
 62 Labor Statistics or its successor. Substantive bills containing
 63 appropriations shall also be subject to the itemization
 64 requirement mandated under this provision and shall be subject
 65 to the governor's specific appropriation veto power described in
 66 Article III, Section 8. ~~This subsection shall be effective July~~
 67 ~~1, 1994.~~

68 (c) APPROPRIATIONS ~~REVIEW~~ PROCESS.

69 (1) No later than September 15 of each year, the joint
 70 legislative budget commission shall issue a long-range financial
 71 outlook setting out fiscal strategies for the state and its
 72 departments and agencies in order to assist the legislature in
 73 making policy and budget decisions. The long-range financial
 74 outlook must include major workload and revenue estimates. In
 75 order to implement this paragraph, the joint legislative budget
 76 commission shall use current official consensus estimates and
 77 may request the development of additional official estimates.

78 (2) The joint legislative budget commission shall seek
 79 input from the public and from state agencies and departments
 80 when developing and implementing the long-range financial
 81 outlook.

82 (3) The legislature shall prescribe by general law
 83 conditions under which limited adjustments to the budget, as
 84 recommended by the governor or the chief justice of the supreme

85 court, may be approved without the concurrence of the full
 86 legislature. ~~Effective July 1, 1993, general law shall prescribe~~
 87 ~~requirements for each department and agency of state government~~
 88 ~~to submit a planning document and supporting budget request for~~
 89 ~~review by the appropriations committees of both houses of the~~
 90 ~~legislature. The review shall include a comparison of the major~~
 91 ~~issues in the planning document and budget requests to those~~
 92 ~~major issues included in the governor's recommended budget. For~~
 93 ~~purposes of this subsection, the terms department and agency~~
 94 ~~shall include the judicial branch.~~

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

101 (e) FINAL BUDGET REPORT. ~~Effective November 4, 1992,~~ A
 102 final budget report shall be prepared as prescribed by general
 103 law. The final budget report shall be produced no later than the
 104 120th ~~90th~~ day after the beginning of the fiscal year, and
 105 copies of the report shall be furnished to each member of the
 106 legislature, the head of each department and agency of the
 107 state, the auditor general, and the chief justice of the supreme
 108 court.

109 (f) TRUST FUNDS.

110 (1) No trust fund of the State of Florida or other public
 111 body may be created or re-created by law without a three-fifths
 112 ~~(3/5)~~ vote of the membership of each house of the legislature in

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113 a separate bill for that purpose only.

114 (2) ~~State trust funds in existence before the effective~~
 115 ~~date of this subsection shall terminate not more than four years~~
 116 ~~after the effective date of this subsection.~~ State trust funds
 117 ~~created after the effective date of this subsection shall~~
 118 terminate not more than four years after the effective date of
 119 the act authorizing the initial creation of the trust fund. By
 120 law the legislature may set a shorter time period for which any
 121 trust fund is authorized.

122 (3) Trust funds required by federal programs or mandates;
 123 trust funds established for bond covenants, indentures, or
 124 resolutions, whose revenues are legally pledged by the state or
 125 public body to meet debt service or other financial requirements
 126 of any debt obligations of the state or any public body; the
 127 state transportation trust fund; the trust fund containing the
 128 net annual proceeds from the Florida Education Lotteries; the
 129 Florida retirement trust fund; trust funds for institutions
 130 under the management of the Board of Governors ~~Regents~~, where
 131 such trust funds are for auxiliary enterprises and contracts,
 132 grants, and donations, as those terms are defined by general
 133 law; trust funds that serve as clearing funds or accounts for
 134 the chief financial officer or state agencies; trust funds that
 135 account for assets held by the state in a trustee capacity as an
 136 agent or fiduciary for individuals, private organizations, or
 137 other governmental units; and other trust funds authorized by
 138 this Constitution, are not subject to the requirements set forth
 139 in paragraph (2) of this subsection.

140 (4) All cash balances and income of any trust funds

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141 abolished under this subsection shall be deposited into the
 142 general revenue fund.

143 ~~(5) The provisions of this subsection shall be effective~~
 144 ~~November 4, 1992.~~

145 (g) BUDGET STABILIZATION FUND. ~~Beginning with the 1994-~~
 146 ~~1995 fiscal year, at least 1% of an amount equal to the last~~
 147 ~~completed fiscal year's net revenue collections for the general~~
 148 ~~revenue fund shall be retained in a budget stabilization fund.~~
 149 ~~The budget stabilization fund shall be increased to at least 2%~~
 150 ~~of said amount for the 1995-1996 fiscal year, at least 3% of~~
 151 ~~said amount for the 1996-1997 fiscal year, at least 4% of said~~
 152 ~~amount for the 1997-1998 fiscal year, and at least 5% of said~~
 153 ~~amount for the 1998-1999 fiscal year.~~ Subject to the provisions
 154 of this subsection, ~~the budget stabilization fund shall be~~
 155 ~~maintained at~~ an amount equal to at least 5% of the last
 156 completed fiscal year's net revenue collections for the general
 157 revenue fund shall be retained in the budget stabilization fund.
 158 The budget stabilization fund's principal balance shall not
 159 exceed an amount equal to 10% of the last completed fiscal
 160 year's net revenue collections for the general revenue fund. The
 161 legislature shall provide criteria for withdrawing funds from
 162 the budget stabilization fund in a separate bill for that
 163 purpose only and only for the purpose of covering revenue
 164 shortfalls of the general revenue fund or for the purpose of
 165 providing funding for an emergency, as defined by general law.
 166 General law shall provide for the restoration of this fund. The
 167 budget stabilization fund shall be comprised of funds not
 168 otherwise obligated or committed for any purpose.

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169 (h) LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND
170 AGENCY PLANNING DOCUMENT PROCESSES. General law shall provide
171 for a long-range state planning document. The governor shall
172 recommend to the legislature biennially any revisions to the
173 long-range state planning document, as defined by law. General
174 law shall require a biennial review and revision of the long-
175 range state planning document, ~~shall require the governor to~~
176 ~~report to the legislature on the progress in achieving the state~~
177 ~~planning document's goals,~~ and shall require all departments and
178 agencies of state government to develop planning documents that
179 identify statewide strategic goals and objectives, consistent
180 with the long-range state planning document. The long-range
181 state planning document and department and agency planning
182 documents shall remain subject to review and revision by the
183 legislature. The long-range state planning document must include
184 projections of future needs and resources of the state which are
185 consistent with the long-range financial outlook. The department
186 and agency planning documents shall include a prioritized
187 listing of planned expenditures for review and possible
188 reduction in the event of revenue shortfalls, as defined by
189 general law. ~~To ensure productivity and efficiency in the~~
190 ~~executive, legislative, and judicial branches, a quality~~
191 ~~management and accountability program shall be implemented by~~
192 ~~general law. For the purposes of this subsection, the terms~~
193 ~~department and agency shall include the judicial branch. This~~
194 ~~subsection shall be effective July 1, 1993.~~

195 (i) GOVERNMENT EFFICIENCY TASK FORCE. No later than
196 January of 2007, and each fourth year thereafter, the president

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197 of the senate, the speaker of the house of representatives, and
 198 the governor shall appoint a government efficiency task force,
 199 the membership of which shall be established by general law. The
 200 task force shall be composed of members of the legislature and
 201 representatives from the private and public sectors who shall
 202 develop recommendations for improving governmental operations
 203 and reducing costs. Staff to assist the task force in performing
 204 its duties shall be assigned by general law, and the task force
 205 may obtain assistance from the private sector. The task force
 206 shall complete its work within one year and shall submit its
 207 recommendations to the joint legislative budget commission, the
 208 governor, and the chief justice of the supreme court.

209 (j) JOINT LEGISLATIVE BUDGET COMMISSION. There is created
 210 within the legislature the joint legislative budget commission
 211 composed of equal numbers of senate members appointed by the
 212 president of the senate and house members appointed by the
 213 speaker of the house of representatives. Each member shall serve
 214 at the pleasure of the officer who appointed the member. A
 215 vacancy on the commission shall be filled in the same manner as
 216 the original appointment. From November of each odd-numbered
 217 year through October of each even-numbered year, the chairperson
 218 of the joint legislative budget commission shall be appointed by
 219 the president of the senate and the vice chairperson of the
 220 commission shall be appointed by the speaker of the house of
 221 representatives. From November of each even-numbered year
 222 through October of each odd-numbered year, the chairperson of
 223 the joint legislative budget commission shall be appointed by
 224 the speaker of the house of representatives and the vice

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225 chairperson of the commission shall be appointed by the
 226 president of the senate. The joint legislative budget commission
 227 shall be governed by the joint rules of the senate and the house
 228 of representatives, which shall remain in effect until repealed
 229 or amended by concurrent resolution. The commission shall
 230 convene at least quarterly and shall convene at the call of the
 231 president of the senate and the speaker of the house of
 232 representatives. A majority of the commission members of each
 233 house plus one additional member from either house constitutes a
 234 quorum. Action by the commission requires a majority vote of the
 235 commission members present of each house. The commission may
 236 conduct its meetings through teleconferences or similar means.
 237 In addition to the powers and duties specified in this
 238 subsection, the joint legislative budget commission shall
 239 exercise all other powers and perform any other duties not in
 240 conflict with paragraph (c)(3) and as prescribed by general law
 241 or joint rule.

242 BE IT FURTHER RESOLVED that the title and substance of the
 243 amendment proposed herein shall appear on the ballot as follows:

244 STATE PLANNING AND BUDGET PROCESS

245 Proposes an amendment to Section 19 of Article III of the
 246 State Constitution to limit the amount of nonrecurring general
 247 revenue that may be appropriated for recurring purposes in any
 248 fiscal year to 3 percent of the total general revenue funds
 249 estimated to be available, unless otherwise approved by a three-
 250 fifths vote of the Legislature; to change the due date of the
 251 production of the final budget report; to limit constitutional
 252 termination of a trust fund to one time only, 4 years after

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253 initial creation, and require a three-fifths vote of each house
254 of the Legislature to re-create a trust fund by law; to require
255 preparation and biennial revision of a long-range state planning
256 document, require the long-range state planning document to
257 include projections of future needs and resources of the state
258 consistent with the long-range financial outlook, and require
259 all state agencies and departments to develop planning documents
260 consistent with the long-range state planning document and to
261 submit legislative budget requests based on the long-range
262 financial outlook and justifying each variance therefrom; to
263 establish the joint Legislative Budget Commission to issue an
264 annual long-range financial outlook for the state and exercise
265 other duties relating to the state planning and budgeting
266 process as prescribed by the State Constitution, general law, or
267 joint rule; to require the Legislature to prescribe by general
268 law conditions under which limited budget adjustments may be
269 approved without concurrence of the full Legislature; to require
270 appointment of a Government Efficiency Task Force every 4 years
271 to develop recommendations for improving governmental operations
272 and reducing costs and submit them within one year to the joint
273 Legislative Budget Commission, the Governor, and the Chief
274 Justice of the Supreme Court.