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2010

House Joint Resolution

A joint resolution proposing amendments to Section 24 of Article I and Sections 4, 7, and 19 of Article III of the State Constitution to make the legislative process more open to the public and increase access to public records and meetings.

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

That the following amendments to Section 24 of Article I and Sections 4, 7, and 19 of Article III of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 24. Access to public records and meetings.--

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to

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29 law or this Constitution.

30 (b) All meetings of any collegial public body of the
31 executive branch of state government or of any collegial public
32 body of a county, municipality, school district, or special
33 district, at which official acts are to be taken or at which
34 public business of such body is to be transacted or discussed,
35 shall be open and noticed to the public and meetings of the
36 legislature shall be open and noticed as provided in Article
37 III, Section 4(e), except with respect to meetings exempted
38 pursuant to this section or specifically closed by this
39 Constitution.

40 (c) This section shall be self-executing. The legislature,
41 however, may provide by general law passed by a two-thirds vote
42 of the membership of each house for the exemption of records
43 from the requirements of subsection (a) and the exemption of
44 meetings from the requirements of subsection (b), provided that
45 such law shall state with specificity the public necessity
46 justifying the exemption and shall be no broader than necessary
47 to accomplish the stated purpose of the law. The legislature
48 shall enact laws governing the enforcement of this section,
49 including the maintenance, control, destruction, disposal, and
50 disposition of records made public by this section, except that
51 each house of the legislature may adopt reasonable rules
52 governing the enforcement of this section in relation to records
53 of the legislative branch. Challenges to the reasonableness or
54 interpretation of a rule may be appealed to the circuit court.
55 Laws enacted pursuant to this subsection shall contain only
56 exemptions from the requirements of subsections (a) or (b) and

57 provisions governing the enforcement of this section, and shall
 58 relate to one subject.

59 (d) All laws that are in effect on July 1, 1993 that limit
 60 public access to records or meetings shall remain in force, and
 61 such laws apply to records of the legislative and judicial
 62 branches, until they are repealed. Rules of court that are in
 63 effect on the date of adoption of this section that limit access
 64 to records shall remain in effect until they are repealed.

65 ARTICLE III

66 LEGISLATURE

67 SECTION 4. Quorum and procedure.--

68 (a) A majority of the membership of each house shall
 69 constitute a quorum, but a smaller number may adjourn from day
 70 to day and compel the presence of absent members in such manner
 71 and under such penalties as it may prescribe. Each house shall
 72 determine its rules of procedure.

73 (b) Sessions of each house shall be public; except
 74 sessions of the senate when considering appointment to or
 75 removal from public office may be closed.

76 (c) Each house shall keep and publish a journal of its
 77 proceedings; and upon the request of five members present, the
 78 vote of each member voting on any question shall be entered on
 79 the journal. In any legislative committee or subcommittee, the
 80 vote of each member voting on the final passage of any
 81 legislation pending before the committee, and upon the request
 82 of any two members of the committee or subcommittee, the vote of
 83 each member on any other question, shall be recorded.

84 (d) Each house may punish a member for contempt or

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85 | disorderly conduct and, by a two-thirds vote of its membership,
86 | may expel a member.

87 | (e) The rules of procedure of each house shall provide
88 | that all legislative committee and subcommittee meetings of each
89 | house, and joint conference committee meetings, shall be open
90 | and noticed to the public. A member of a conference committee
91 | may not discuss issues before the conference committee with
92 | another member of such committee except at a meeting that is
93 | open and noticed to the public. The rules of procedure of each
94 | house shall further provide that all other prearranged
95 | gatherings, between more than two members of the legislature, or
96 | between the governor, the president of the senate, or the
97 | speaker of the house of representatives, the purpose of which is
98 | to agree upon formal legislative action that will be taken at a
99 | subsequent time, or at which formal legislative action is taken,
100 | regarding pending legislation or amendments, shall be reasonably
101 | open to the public. All open meetings shall be subject to order
102 | and decorum. This section shall be implemented and defined by
103 | the rules of each house, and such rules shall control admission
104 | to the floor of each legislative chamber and may, where
105 | reasonably necessary for security purposes or to protect a
106 | witness appearing before a committee, provide for the closure of
107 | committee meetings. Each house shall be the sole judge for the
108 | reasonable interpretation, implementation, and enforcement of
109 | this section. Challenges to the reasonableness or interpretation
110 | of a rule may be appealed to the circuit court.

111 | SECTION 7. Passage of bills.--

112 | (a) Any bill may originate in either house and after

113 passage in one may be amended in the other. It shall be read in
 114 each house on three separate days, unless this rule is waived by
 115 two-thirds vote; provided the publication of its title in the
 116 journal of a house shall satisfy the requirement for the first
 117 reading in that house. On each reading, it shall be read by
 118 title only, unless one-third of the members present desire it
 119 read in full. On final passage, the vote of each member voting
 120 shall be entered on the journal. Passage of a bill shall require
 121 a majority vote in each house. Each bill and joint resolution
 122 passed in both houses shall be signed by the presiding officers
 123 of the respective houses and by the secretary of the senate and
 124 the clerk of the house of representatives during the session or
 125 as soon as practicable after its adjournment sine die.

126 (b) During a special session, the last 5 days of a regular
 127 session, and any extension of a special or regular session, an
 128 amendment, except a technical amendment, may not be introduced
 129 unless the amendment was adopted by a committee or authorized
 130 for introduction by a three-fourths vote of the membership of
 131 the house in which the amendment is offered.

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

134 (a) ANNUAL BUDGETING.

135 (1) General law shall prescribe the adoption of annual
 136 state budgetary and planning processes and require that detail
 137 reflecting the annualized costs of the state budget and
 138 reflecting the nonrecurring costs of the budget requests shall
 139 accompany state department and agency legislative budget
 140 requests, the governor's recommended budget, and appropriation

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141 bills.

142 (2) Unless approved by a three-fifths vote of the
 143 membership of each house, appropriations made for recurring
 144 purposes from nonrecurring general revenue funds for any fiscal
 145 year shall not exceed three percent of the total general revenue
 146 funds estimated to be available at the time such appropriation
 147 is made.

148 (3) As prescribed by general law, each state department
 149 and agency shall be required to submit a legislative budget
 150 request that is based upon and that reflects the long-range
 151 financial outlook adopted by the joint legislative budget
 152 commission or that specifically explains any variance from the
 153 long-range financial outlook contained in the request.

154 (4) For purposes of this section, the terms department and
 155 agency shall include the judicial branch.

156 (b) APPROPRIATIONS BILLS FORMAT. The general
 157 appropriations bill shall provide to the reader sufficient
 158 information for the average reader to be able to determine: the
 159 source of funds; the use of the funds appropriated, with enough
 160 detail to know what purpose the funds are intended to achieve;
 161 and where to find any underlying references needed to provide
 162 sufficient detail. An appropriations bill must also contain
 163 references to any performance measures or requirements that
 164 relate to the use of such funds.

165 ~~(b) APPROPRIATION BILLS FORMAT. Separate sections within~~
 166 ~~the general appropriation bill shall be used for each major~~
 167 ~~program area of the state budget; major program areas shall~~
 168 ~~include: education enhancement "lottery" trust fund items;~~

169 ~~education (all other funds); human services; criminal justice~~
 170 ~~and corrections; natural resources, environment, growth~~
 171 ~~management, and transportation; general government; and judicial~~
 172 ~~branch. Each major program area shall include an itemization of~~
 173 ~~expenditures for: state operations; state capital outlay; aid to~~
 174 ~~local governments and nonprofit organizations operations; aid to~~
 175 ~~local governments and nonprofit organizations capital outlay;~~
 176 ~~federal funds and the associated state matching funds; spending~~
 177 ~~authorizations for operations; and spending authorizations for~~
 178 ~~capital outlay. Additionally, appropriation bills passed by the~~
 179 ~~legislature shall include an itemization of specific~~
 180 ~~appropriations that exceed one million dollars (\$1,000,000.00)~~
 181 ~~in 1992 dollars. For purposes of this subsection, "specific~~
 182 ~~appropriation," "itemization," and "major program area" shall be~~
 183 ~~defined by law. This itemization threshold shall be adjusted by~~
 184 ~~general law every four years to reflect the rate of inflation or~~
 185 ~~deflation as indicated in the Consumer Price Index for All Urban~~
 186 ~~Consumers, U.S. City Average, All Items, or successor reports as~~
 187 ~~reported by the United States Department of Labor, Bureau of~~
 188 ~~Labor Statistics or its successor. Substantive bills containing~~
 189 ~~appropriations shall also be subject to the itemization~~
 190 ~~requirement mandated under this provision and shall be subject~~
 191 ~~to the governor's specific appropriation veto power described in~~
 192 ~~Article III, Section 8.~~

193 (c) APPROPRIATIONS PROCESS.

194 (1) No later than September 15 of each year, the joint
 195 legislative budget commission shall issue a long-range financial
 196 outlook setting out recommended fiscal strategies for the state

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197 and its departments and agencies in order to assist the
198 legislature in making budget decisions. The long-range financial
199 outlook must include major workload and revenue estimates. In
200 order to implement this paragraph, the joint legislative budget
201 commission shall use current official consensus estimates and
202 may request the development of additional official estimates.

203 (2) The joint legislative budget commission shall seek
204 input from the public and from the executive and judicial
205 branches when developing and recommending the long-range
206 financial outlook.

207 (3) The legislature shall prescribe by general law
208 conditions under which limited adjustments to the budget, as
209 recommended by the governor or the chief justice of the supreme
210 court, may be approved without the concurrence of the full
211 legislature.

212 (4) A general appropriations bill that is enacted by the
213 legislature must be the product of a joint conference committee,
214 except as otherwise provided in this section.

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

221 (e) FINAL BUDGET REPORT. A final budget report shall be
222 prepared as prescribed by general law. The final budget report
223 shall be produced no later than the 120th day after the
224 beginning of the fiscal year, and copies of the report shall be

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225 furnished to each member of the legislature, the head of each
 226 department and agency of the state, the auditor general, and the
 227 chief justice of the supreme court.

228 (f) TRUST FUNDS.

229 (1) No trust fund of the State of Florida or other public
 230 body may be created or re-created by law without a three-fifths
 231 vote of the membership of each house of the legislature in a
 232 separate bill for that purpose only.

233 (2) State trust funds shall terminate not more than four
 234 years after the effective date of the act authorizing the
 235 initial creation of the trust fund. By law the legislature may
 236 set a shorter time period for which any trust fund is
 237 authorized.

238 (3) Trust funds required by federal programs or mandates;
 239 trust funds established for bond covenants, indentures, or
 240 resolutions, whose revenues are legally pledged by the state or
 241 public body to meet debt service or other financial requirements
 242 of any debt obligations of the state or any public body; the
 243 state transportation trust fund; the trust fund containing the
 244 net annual proceeds from the Florida Education Lotteries; the
 245 Florida retirement trust fund; trust funds for institutions
 246 under the management of the Board of Governors, where such trust
 247 funds are for auxiliary enterprises and contracts, grants, and
 248 donations, as those terms are defined by general law; trust
 249 funds that serve as clearing funds or accounts for the chief
 250 financial officer or state agencies; trust funds that account
 251 for assets held by the state in a trustee capacity as an agent
 252 or fiduciary for individuals, private organizations, or other

253 governmental units; and other trust funds authorized by this
 254 Constitution, are not subject to the requirements set forth in
 255 paragraph (2) of this subsection.

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

259 (g) BUDGET STABILIZATION FUND. Subject to the provisions
 260 of this subsection, an amount equal to at least 5% of the last
 261 completed fiscal year's net revenue collections for the general
 262 revenue fund shall be retained in the budget stabilization fund.
 263 The budget stabilization fund's principal balance shall not
 264 exceed an amount equal to 10% of the last completed fiscal
 265 year's net revenue collections for the general revenue fund. The
 266 legislature shall provide criteria for withdrawing funds from
 267 the budget stabilization fund in a separate bill for that
 268 purpose only and only for the purpose of covering revenue
 269 shortfalls of the general revenue fund or for the purpose of
 270 providing funding for an emergency, as defined by general law.
 271 General law shall provide for the restoration of this fund. The
 272 budget stabilization fund shall be comprised of funds not
 273 otherwise obligated or committed for any purpose.

274 (h) LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND
 275 AGENCY PLANNING DOCUMENT PROCESSES. General law shall provide
 276 for a long-range state planning document. The governor shall
 277 recommend to the legislature biennially any revisions to the
 278 long-range state planning document, as defined by law. General
 279 law shall require a biennial review and revision of the long-
 280 range state planning document and shall require all departments

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281 and agencies of state government to develop planning documents
282 that identify statewide strategic goals and objectives,
283 consistent with the long-range state planning document. The
284 long-range state planning document and department and agency
285 planning documents shall remain subject to review and revision
286 by the legislature. The long-range state planning document must
287 include projections of future needs and resources of the state
288 which are consistent with the long-range financial outlook. The
289 department and agency planning documents shall include a
290 prioritized listing of planned expenditures for review and
291 possible reduction in the event of revenue shortfalls, as
292 defined by general law.

293 (i) GOVERNMENT EFFICIENCY TASK FORCE. No later than
294 January of 2007, and each fourth year thereafter, the president
295 of the senate, the speaker of the house of representatives, and
296 the governor shall appoint a government efficiency task force,
297 the membership of which shall be established by general law. The
298 task force shall be composed of members of the legislature and
299 representatives from the private and public sectors who shall
300 develop recommendations for improving governmental operations
301 and reducing costs. Staff to assist the task force in performing
302 its duties shall be assigned by general law, and the task force
303 may obtain assistance from the private sector. The task force
304 shall complete its work within one year and shall submit its
305 recommendations to the joint legislative budget commission, the
306 governor, and the chief justice of the supreme court.

307 (j) JOINT LEGISLATIVE BUDGET COMMISSION. There is created
308 within the legislature the joint legislative budget commission

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309 composed of equal numbers of senate members appointed by the
310 president of the senate and house members appointed by the
311 speaker of the house of representatives. Each member shall serve
312 at the pleasure of the officer who appointed the member. A
313 vacancy on the commission shall be filled in the same manner as
314 the original appointment. From November of each odd-numbered
315 year through October of each even-numbered year, the chairperson
316 of the joint legislative budget commission shall be appointed by
317 the president of the senate and the vice chairperson of the
318 commission shall be appointed by the speaker of the house of
319 representatives. From November of each even-numbered year
320 through October of each odd-numbered year, the chairperson of
321 the joint legislative budget commission shall be appointed by
322 the speaker of the house of representatives and the vice
323 chairperson of the commission shall be appointed by the
324 president of the senate. The joint legislative budget commission
325 shall be governed by the joint rules of the senate and the house
326 of representatives, which shall remain in effect until repealed
327 or amended by concurrent resolution. The commission shall
328 convene at least quarterly and shall convene at the call of the
329 president of the senate and the speaker of the house of
330 representatives. A majority of the commission members of each
331 house plus one additional member from either house constitutes a
332 quorum. Action by the commission requires a majority vote of the
333 commission members present of each house. The commission may
334 conduct its meetings through teleconferences or similar means.
335 In addition to the powers and duties specified in this
336 subsection, the joint legislative budget commission shall

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337 | exercise all other powers and perform any other duties not in
 338 | conflict with paragraph (c) (3) and as prescribed by general law
 339 | or joint rule.

340 | BE IT FURTHER RESOLVED that the following statement be
 341 | placed on the ballot:

342 | CONSTITUTIONAL AMENDMENT

343 | ARTICLE I, SECTION 24

344 | ARTICLE III, SECTIONS 4, 7, and 19

345 | EXPANDING PUBLIC ACCESS TO THE LEGISLATIVE PROCESS AND
 346 | PUBLIC RECORDS AND MEETINGS.--The State Constitution generally
 347 | authorizes the public to inspect public records. The State
 348 | Constitution also generally requires meetings of governmental
 349 | bodies, including meetings of state legislative bodies, to be
 350 | noticed and open to the public. The State Constitution
 351 | authorizes the Legislature to adopt rules relating to public
 352 | access to legislative documents and meetings. However, this
 353 | amendment authorizes a person to challenge the reasonableness or
 354 | interpretation of those rules in circuit court.

355 | The amendment also:

356 | (1) Provides that members of a legislative conference
 357 | committee may discuss matters before the conference committee
 358 | with other members of the committee only at a meeting that is
 359 | noticed and open to the public.

360 | (2) Prohibits the Legislature from considering amendments
 361 | to bills, except technical amendments, during a special session,
 362 | the last five days of a regular session, and any extension of a
 363 | special or regular session unless the amendments were adopted by
 364 | a committee or authorized for introduction by a three-fourths

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365 | vote of the membership of the house in which the amendments are
366 | offered.

367 | (3) Replaces existing requirements for the format of
368 | appropriations bills with requirements to make appropriations
369 | bills more user friendly. Specifically, appropriations bills
370 | must clearly identify the purposes for the use of appropriated
371 | funds and contain references to detailed information and
372 | performance measures relating to the appropriation.

373 | (4) Requires general appropriations acts to be the product
374 | of a joint conference committee.

375 | (5) Clarifies that a two-thirds vote of the membership of
376 | each house is required to enact a new public-records exemption
377 | or public-meeting exemption.