

House Joint Resolution

A joint resolution proposing an amendment to Section 19 of Article III of the State Constitution, relating to state trust funds, to require a two-thirds vote of the membership of each house of the Legislature in a separate bill for that purpose only to expend the balance of a state trust fund, or any portion of a state trust fund, for any purpose other than a purpose authorized by the act that created the trust fund.

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

That the following amendment to Section 19 of Article III of the State Constitution is 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 III

LEGISLATURE

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

(a) ANNUAL BUDGETING.

(1) 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

28 requests, the governor's recommended budget, and appropriation  
 29 bills.

30 (2) Unless approved by a three-fifths vote of the  
 31 membership of each house, appropriations made for recurring  
 32 purposes from nonrecurring general revenue funds for any fiscal  
 33 year shall not exceed three percent of the total general revenue  
 34 funds estimated to be available at the time such appropriation  
 35 is made.

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

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

44 (b) APPROPRIATION BILLS FORMAT. Separate sections within  
 45 the general appropriation bill shall be used for each major  
 46 program area of the state budget; major program areas shall  
 47 include: education enhancement "lottery" trust fund items;  
 48 education (all other funds); human services; criminal justice  
 49 and corrections; natural resources, environment, growth  
 50 management, and transportation; general government; and judicial  
 51 branch. Each major program area shall include an itemization of  
 52 expenditures for: state operations; state capital outlay; aid to  
 53 local governments and nonprofit organizations operations; aid to  
 54 local governments and nonprofit organizations capital outlay;  
 55 federal funds and the associated state matching funds; spending

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

72 | (c) APPROPRIATIONS PROCESS.

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

82 | (2) The joint legislative budget commission shall seek  
 83 | input from the public and from the executive and judicial

84 | branches when developing and recommending the long-range  
 85 | financial outlook.

86 |       (3) The legislature shall prescribe by general law  
 87 | conditions under which limited adjustments to the budget, as  
 88 | recommended by the governor or the chief justice of the supreme  
 89 | court, may be approved without the concurrence of the full  
 90 | legislature.

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

97 |       (e) FINAL BUDGET REPORT. A final budget report shall be  
 98 | prepared as prescribed by general law. The final budget report  
 99 | shall be produced no later than the 120th day after the  
 100 | beginning of the fiscal year, and copies of the report shall be  
 101 | furnished to each member of the legislature, the head of each  
 102 | department and agency of the state, the auditor general, and the  
 103 | chief justice of the supreme court.

104 |       (f) TRUST FUNDS.

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

109 |       (2) State trust funds shall terminate not more than four  
 110 | years after the effective date of the act authorizing the  
 111 | initial creation of the trust fund. By law the legislature may

112 set a shorter time period for which any trust fund is  
 113 authorized.

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

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

135 (5) No trust fund of the State of Florida may have the  
 136 balance of its funds, or any portion thereof, expended for any  
 137 purpose other than a purpose set forth in the act authorizing  
 138 the creation of the trust fund without a two-thirds vote of the

139 membership of each house of the legislature in a separate bill  
 140 for that purpose only.

141 (g) BUDGET STABILIZATION FUND. Subject to the provisions  
 142 of this subsection, an amount equal to at least 5% of the last  
 143 completed fiscal year's net revenue collections for the general  
 144 revenue fund shall be retained in the budget stabilization fund.  
 145 The budget stabilization fund's principal balance shall not  
 146 exceed an amount equal to 10% of the last completed fiscal  
 147 year's net revenue collections for the general revenue fund. The  
 148 legislature shall provide criteria for withdrawing funds from  
 149 the budget stabilization fund in a separate bill for that  
 150 purpose only and only for the purpose of covering revenue  
 151 shortfalls of the general revenue fund or for the purpose of  
 152 providing funding for an emergency, as defined by general law.  
 153 General law shall provide for the restoration of this fund. The  
 154 budget stabilization fund shall be comprised of funds not  
 155 otherwise obligated or committed for any purpose.

156 (h) LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND  
 157 AGENCY PLANNING DOCUMENT PROCESSES. General law shall provide  
 158 for a long-range state planning document. The governor shall  
 159 recommend to the legislature biennially any revisions to the  
 160 long-range state planning document, as defined by law. General  
 161 law shall require a biennial review and revision of the long-  
 162 range state planning document and shall require all departments  
 163 and agencies of state government to develop planning documents  
 164 that identify statewide strategic goals and objectives,  
 165 consistent with the long-range state planning document. The  
 166 long-range state planning document and department and agency

167 | planning documents shall remain subject to review and revision  
 168 | by the legislature. The long-range state planning document must  
 169 | include projections of future needs and resources of the state  
 170 | which are consistent with the long-range financial outlook. The  
 171 | department and agency planning documents shall include a  
 172 | prioritized listing of planned expenditures for review and  
 173 | possible reduction in the event of revenue shortfalls, as  
 174 | defined by general law.

175 |       (i) GOVERNMENT EFFICIENCY TASK FORCE. No later than  
 176 | January of 2007, and each fourth year thereafter, the president  
 177 | of the senate, the speaker of the house of representatives, and  
 178 | the governor shall appoint a government efficiency task force,  
 179 | the membership of which shall be established by general law. The  
 180 | task force shall be composed of members of the legislature and  
 181 | representatives from the private and public sectors who shall  
 182 | develop recommendations for improving governmental operations  
 183 | and reducing costs. Staff to assist the task force in performing  
 184 | its duties shall be assigned by general law, and the task force  
 185 | may obtain assistance from the private sector. The task force  
 186 | shall complete its work within one year and shall submit its  
 187 | recommendations to the joint legislative budget commission, the  
 188 | governor, and the chief justice of the supreme court.

189 |       (j) JOINT LEGISLATIVE BUDGET COMMISSION. There is created  
 190 | within the legislature the joint legislative budget commission  
 191 | composed of equal numbers of senate members appointed by the  
 192 | president of the senate and house members appointed by the  
 193 | speaker of the house of representatives. Each member shall serve  
 194 | at the pleasure of the officer who appointed the member. A

HJR 389

2010

195 vacancy on the commission shall be filled in the same manner as  
196 the original appointment. From November of each odd-numbered  
197 year through October of each even-numbered year, the chairperson  
198 of the joint legislative budget commission shall be appointed by  
199 the president of the senate and the vice chairperson of the  
200 commission shall be appointed by the speaker of the house of  
201 representatives. From November of each even-numbered year  
202 through October of each odd-numbered year, the chairperson of  
203 the joint legislative budget commission shall be appointed by  
204 the speaker of the house of representatives and the vice  
205 chairperson of the commission shall be appointed by the  
206 president of the senate. The joint legislative budget commission  
207 shall be governed by the joint rules of the senate and the house  
208 of representatives, which shall remain in effect until repealed  
209 or amended by concurrent resolution. The commission shall  
210 convene at least quarterly and shall convene at the call of the  
211 president of the senate and the speaker of the house of  
212 representatives. A majority of the commission members of each  
213 house plus one additional member from either house constitutes a  
214 quorum. Action by the commission requires a majority vote of the  
215 commission members present of each house. The commission may  
216 conduct its meetings through teleconferences or similar means.  
217 In addition to the powers and duties specified in this  
218 subsection, the joint legislative budget commission shall  
219 exercise all other powers and perform any other duties not in  
220 conflict with paragraph (c) (3) and as prescribed by general law  
221 or joint rule.



HJR 389

2010

222 BE IT FURTHER RESOLVED that the following statement be  
 223 placed on the ballot:

224 CONSTITUTIONAL AMENDMENT

225 ARTICLE III, SECTION 19

226 STATE TRUST FUNDS.—Proposing an amendment to the State  
 227 Constitution to require a two-thirds vote of the membership of  
 228 each house of the Legislature in a separate bill for that  
 229 purpose only to expend the balance of a state trust fund, or any  
 230 portion of a state trust fund, for any purpose other than a  
 231 purpose authorized by the act that created the trust fund.