

By Senator Gelber

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1 Senate Joint Resolution

2 A joint resolution proposing amendments to Section 24
3 of Article I and Sections 4, 7, and 19 of Article III
4 of the State Constitution to make the legislative
5 process more open to the public.
6

7 Be It Resolved by the Legislature of the State of Florida:
8

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

15 ARTICLE I

16 DECLARATION OF RIGHTS

17 SECTION 24. Access to public records and meetings.—

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

29 (b) All meetings of any collegial public body of the

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

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

58 (d) All laws that are in effect on July 1, 1993 that limit

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

ARTICLE III

LEGISLATURE

SECTION 4. Quorum and procedure.-

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

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

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

83 (d) Each house may punish a member for contempt or
84 disorderly conduct and, by a two-thirds vote of its membership,
85 may expel a member.

86 (e) The rules of procedure of each house shall provide that
87 all legislative committee and subcommittee meetings of each

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

110 SECTION 7. Passage of bills.—

111 (a) Any bill may originate in either house and after
112 passage in one may be amended in the other. It shall be read in
113 each house on three separate days, unless this rule is waived by
114 two-thirds vote; provided the publication of its title in the
115 journal of a house shall satisfy the requirement for the first
116 reading in that house. On each reading, it shall be read by

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117 title only, unless one-third of the members present desire it
118 read in full. On final passage, the vote of each member voting
119 shall be entered on the journal. Passage of a bill shall require
120 a majority vote in each house. Each bill and joint resolution
121 passed in both houses shall be signed by the presiding officers
122 of the respective houses and by the secretary of the senate and
123 the clerk of the house of representatives during the session or
124 as soon as practicable after its adjournment sine die.

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

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

133 (a) ANNUAL BUDGETING.

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

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

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146 is made.

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

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

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

164 ~~(b) APPROPRIATION BILLS FORMAT. Separate sections within~~
165 ~~the general appropriation bill shall be used for each major~~
166 ~~program area of the state budget; major program areas shall~~
167 ~~include: education enhancement "lottery" trust fund items;~~
168 ~~education (all other funds); human services; criminal justice~~
169 ~~and corrections; natural resources, environment, growth~~
170 ~~management, and transportation; general government; and judicial~~
171 ~~branch. Each major program area shall include an itemization of~~
172 ~~expenditures for: state operations; state capital outlay; aid to~~
173 ~~local governments and nonprofit organizations operations; aid to~~
174 ~~local governments and nonprofit organizations capital outlay;~~

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175 ~~federal funds and the associated state matching funds; spending~~
176 ~~authorizations for operations; and spending authorizations for~~
177 ~~capital outlay. Additionally, appropriation bills passed by the~~
178 ~~legislature shall include an itemization of specific~~
179 ~~appropriations that exceed one million dollars (\$1,000,000.00)~~
180 ~~in 1992 dollars. For purposes of this subsection, "specific~~
181 ~~appropriation," "itemization," and "major program area" shall be~~
182 ~~defined by law. This itemization threshold shall be adjusted by~~
183 ~~general law every four years to reflect the rate of inflation or~~
184 ~~deflation as indicated in the Consumer Price Index for All Urban~~
185 ~~Consumers, U.S. City Average, All Items, or successor reports as~~
186 ~~reported by the United States Department of Labor, Bureau of~~
187 ~~Labor Statistics or its successor. Substantive bills containing~~
188 ~~appropriations shall also be subject to the itemization~~
189 ~~requirement mandated under this provision and shall be subject~~
190 ~~to the governor's specific appropriation veto power described in~~
191 ~~Article III, Section 8.~~

192 (c) APPROPRIATIONS PROCESS.

193 (1) No later than September 15 of each year, the joint
194 legislative budget commission shall issue a long-range financial
195 outlook setting out recommended fiscal strategies for the state
196 and its departments and agencies in order to assist the
197 legislature in making budget decisions. The long-range financial
198 outlook must include major workload and revenue estimates. In
199 order to implement this paragraph, the joint legislative budget
200 commission shall use current official consensus estimates and
201 may request the development of additional official estimates.

202 (2) The joint legislative budget commission shall seek
203 input from the public and from the executive and judicial

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204 branches when developing and recommending the long-range
205 financial outlook.

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

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

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

220 (e) FINAL BUDGET REPORT. A final budget report shall be
221 prepared as prescribed by general law. The final budget report
222 shall be produced no later than the 120th day after the
223 beginning of the fiscal year, and copies of the report shall be
224 furnished to each member of the legislature, the head of each
225 department and agency of the state, the auditor general, and the
226 chief justice of the supreme court.

227 (f) TRUST FUNDS.

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

232 (2) State trust funds shall terminate not more than four

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233 years after the effective date of the act authorizing the
234 initial creation of the trust fund. By law the legislature may
235 set a shorter time period for which any trust fund is
236 authorized.

237 (3) Trust funds required by federal programs or mandates;
238 trust funds established for bond covenants, indentures, or
239 resolutions, whose revenues are legally pledged by the state or
240 public body to meet debt service or other financial requirements
241 of any debt obligations of the state or any public body; the
242 state transportation trust fund; the trust fund containing the
243 net annual proceeds from the Florida Education Lotteries; the
244 Florida retirement trust fund; trust funds for institutions
245 under the management of the Board of Governors, where such trust
246 funds are for auxiliary enterprises and contracts, grants, and
247 donations, as those terms are defined by general law; trust
248 funds that serve as clearing funds or accounts for the chief
249 financial officer or state agencies; trust funds that account
250 for assets held by the state in a trustee capacity as an agent
251 or fiduciary for individuals, private organizations, or other
252 governmental units; and other trust funds authorized by this
253 Constitution, are not subject to the requirements set forth in
254 paragraph (2) of this subsection.

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

258 (g) BUDGET STABILIZATION FUND. Subject to the provisions of
259 this subsection, an amount equal to at least 5% of the last
260 completed fiscal year's net revenue collections for the general
261 revenue fund shall be retained in the budget stabilization fund.

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

273 (h) LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND
274 AGENCY PLANNING DOCUMENT PROCESSES. General law shall provide
275 for a long-range state planning document. The governor shall
276 recommend to the legislature biennially any revisions to the
277 long-range state planning document, as defined by law. General
278 law shall require a biennial review and revision of the long-
279 range state planning document and shall require all departments
280 and agencies of state government to develop planning documents
281 that identify statewide strategic goals and objectives,
282 consistent with the long-range state planning document. The
283 long-range state planning document and department and agency
284 planning documents shall remain subject to review and revision
285 by the legislature. The long-range state planning document must
286 include projections of future needs and resources of the state
287 which are consistent with the long-range financial outlook. The
288 department and agency planning documents shall include a
289 prioritized listing of planned expenditures for review and
290 possible reduction in the event of revenue shortfalls, as

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291 defined by general law.

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

306 (j) JOINT LEGISLATIVE BUDGET COMMISSION. There is created
307 within the legislature the joint legislative budget commission
308 composed of equal numbers of senate members appointed by the
309 president of the senate and house members appointed by the
310 speaker of the house of representatives. Each member shall serve
311 at the pleasure of the officer who appointed the member. A
312 vacancy on the commission shall be filled in the same manner as
313 the original appointment. From November of each odd-numbered
314 year through October of each even-numbered year, the chairperson
315 of the joint legislative budget commission shall be appointed by
316 the president of the senate and the vice chairperson of the
317 commission shall be appointed by the speaker of the house of
318 representatives. From November of each even-numbered year
319 through October of each odd-numbered year, the chairperson of

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320 the joint legislative budget commission shall be appointed by
321 the speaker of the house of representatives and the vice
322 chairperson of the commission shall be appointed by the
323 president of the senate. The joint legislative budget commission
324 shall be governed by the joint rules of the senate and the house
325 of representatives, which shall remain in effect until repealed
326 or amended by concurrent resolution. The commission shall
327 convene at least quarterly and shall convene at the call of the
328 president of the senate and the speaker of the house of
329 representatives. A majority of the commission members of each
330 house plus one additional member from either house constitutes a
331 quorum. Action by the commission requires a majority vote of the
332 commission members present of each house. The commission may
333 conduct its meetings through teleconferences or similar means.
334 In addition to the powers and duties specified in this
335 subsection, the joint legislative budget commission shall
336 exercise all other powers and perform any other duties not in
337 conflict with paragraph (c) (3) and as prescribed by general law
338 or joint rule.

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

341 CONSTITUTIONAL AMENDMENT

342 ARTICLE I, SECTION 24

343 ARTICLE III, SECTIONS 4, 7, and 19

344 CITIZENS' RIGHT TO KNOW HOW THE LEGISLATURE SPENDS TAX
345 DOLLARS.—The State Constitution generally authorizes the public
346 to inspect public records. The State Constitution also generally
347 requires meetings of governmental bodies, including meetings of
348 state legislative bodies, to be noticed and open to the public.

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349 The State Constitution authorizes the Legislature to adopt rules
350 relating to public access to legislative documents and meetings.
351 However, this amendment authorizes a person to challenge the
352 reasonableness or interpretation of those rules in circuit
353 court.

354 The amendment also:

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

359 (2) Prohibits the Legislature from considering amendments
360 to bills, except technical amendments, during special sessions
361 and the last five days of regular sessions, unless the
362 amendments were adopted by a committee or authorized for
363 introduction by a three-fourths vote of the membership of the
364 house in which the amendments are offered.

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

371 (4) Requires general appropriations acts to be the product
372 of a joint conference committee.

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