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LEGISLATIVE ACTION

Senate

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House

Senator Hooper moved the following:

Senate Amendment (with title amendment)

Delete everything after the resolving clause
and insert:

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



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

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

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

(b) APPROPRIATION BILLS FORMAT. Separate sections within the general appropriation bill shall be used for each major program area of the state budget; major program areas shall include: education enhancement "lottery" trust fund items; education (all other funds); human services; criminal justice



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41 and corrections; natural resources, environment, growth
42 management, and transportation; general government; and judicial
43 branch. Each major program area shall include an itemization of
44 expenditures for: state operations; state capital outlay; aid to
45 local governments and nonprofit organizations operations; aid to
46 local governments and nonprofit organizations capital outlay;
47 federal funds and the associated state matching funds; spending
48 authorizations for operations; and spending authorizations for
49 capital outlay. Additionally, appropriation bills passed by the
50 legislature shall include an itemization of specific
51 appropriations that exceed one million dollars (\$1,000,000.00)
52 in 1992 dollars. For purposes of this subsection, "specific
53 appropriation," "itemization," and "major program area" shall be
54 defined by law. This itemization threshold shall be adjusted by
55 general law every four years to reflect the rate of inflation or
56 deflation as indicated in the Consumer Price Index for All Urban
57 Consumers, U.S. City Average, All Items, or successor reports as
58 reported by the United States Department of Labor, Bureau of
59 Labor Statistics or its successor. Substantive bills containing
60 appropriations shall also be subject to the itemization
61 requirement mandated under this provision and shall be subject
62 to the governor's specific appropriation veto power described in
63 Article III, Section 8.

64 (c) APPROPRIATIONS PROCESS.

65 (1) No later than September 15 of each year, the joint
66 legislative budget commission shall issue a long-range financial
67 outlook setting out recommended fiscal strategies for the state
68 and its departments and agencies in order to assist the
69 legislature in making budget decisions. The long-range financial



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outlook must include major workload and revenue estimates. In order to implement this paragraph, the joint legislative budget commission shall use current official consensus estimates and may request the development of additional official estimates.

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

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

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

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

(f) TRUST FUNDS.

(1) No trust fund of the State of Florida or other public body may be created or re-created by law without a three-fifths



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

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

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

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

(g) BUDGET STABILIZATION FUND.



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(1) For purposes of this subsection, the term "revenue collections" means the last completed fiscal year's net revenue collections for the general revenue fund.

(2) Subject to the provisions of this subsection, an amount equal to at least 5% of ~~the last completed fiscal year's net revenue collections for the general revenue fund~~ shall be retained in the budget stabilization fund. The budget stabilization fund's principal balance shall not exceed an amount equal to 25% ~~10% of the last completed fiscal year's net revenue collections for the general revenue fund.~~

(3) The legislature shall transfer the lesser of \$750 million or the amount required to increase the principal balance of the budget stabilization fund to an amount equal to 25% of revenue collections from the general revenue fund to the budget stabilization fund no later than June 30th of each fiscal year. The legislature may suspend this transfer in a fiscal year in which:

a. Funds are withdrawn from the budget stabilization fund pursuant to paragraph (4);

b. Funds are withdrawn from the budget stabilization fund for the purpose of funding a critical state need pursuant to paragraph (5); or

c. The legislature determines there is a critical state need that requires the expenditure of general revenue funds in an amount that exceeds the transfer amount required by this paragraph. A suspension for a critical state need must be approved by a two-thirds vote of the membership of each house of the legislature in a separate bill for that purpose only and may not occur more than once every five years.



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(4) The legislature shall provide criteria for withdrawing funds from the budget stabilization fund in a separate bill for that purpose only and only for the purpose of covering revenue shortfalls of the general revenue fund or for the purpose of providing funding for an emergency, as defined by general law.

(5) If the principal balance of the budget stabilization fund exceeds an amount equal to 15% of revenue collections, the legislature may withdraw funds for the purpose of funding on a nonrecurring basis a critical state need. Such withdrawal must be approved by a two-thirds vote of the membership of each house of the legislature in a separate bill for that purpose only. The withdrawal may not cause the principal balance of the budget stabilization fund to equal an amount that is less than 10% of revenue collections.

(6) General law shall provide for the restoration of this fund. The budget stabilization fund shall be comprised of funds not otherwise obligated or committed for any purpose.

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



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by the legislature. The long-range state planning document must include projections of future needs and resources of the state which are consistent with the long-range financial outlook. The department and agency planning documents shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law.

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

(j) JOINT LEGISLATIVE BUDGET COMMISSION. There is created within the legislature the joint legislative budget commission composed of equal numbers of senate members appointed by the president of the senate and house members appointed by the speaker of the house of representatives. Each member shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment. From November of each odd-numbered



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year through October of each even-numbered year, the chairperson of the joint legislative budget commission shall be appointed by the president of the senate and the vice chairperson of the commission shall be appointed by the speaker of the house of representatives. From November of each even-numbered year through October of each odd-numbered year, the chairperson of the joint legislative budget commission shall be appointed by the speaker of the house of representatives and the vice chairperson of the commission shall be appointed by the president of the senate. The joint legislative budget commission shall be governed by the joint rules of the senate and the house of representatives, which shall remain in effect until repealed or amended by concurrent resolution. The commission shall convene at least quarterly and shall convene at the call of the president of the senate and the speaker of the house of representatives. A majority of the commission members of each house plus one additional member from either house constitutes a quorum. Action by the commission requires a majority vote of the commission members present of each house. The commission may conduct its meetings through teleconferences or similar means. In addition to the powers and duties specified in this subsection, the joint legislative budget commission shall exercise all other powers and perform any other duties not in conflict with paragraph (c)(3) and as prescribed by general law or joint rule.

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

CONSTITUTIONAL AMENDMENT



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ARTICLE III, SECTION 19

BUDGET STABILIZATION FUND.—Proposing an amendment to the State Constitution to increase the amount of funds that may be retained in the budget stabilization fund from 10% to 25% of general revenue collections, require the legislature to transfer the lesser of \$750 million or the amount required to reach 25% of the general revenue collections each year unless certain conditions are met, and allow the legislature to withdraw funds for critical state needs.

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

And the title is amended as follows:

Delete everything before the resolving clause
and insert:

Senate Joint Resolution

A joint resolution proposing an amendment to Section 19 of Article III of the State Constitution to increase the amount of funds that may be retained in the budget stabilization fund, require an annual transfer to the budget stabilization fund unless certain conditions are met, and allow the legislature to withdraw funds for critical state needs.