

By Senator Hooper

21-04255-25

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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 if there is not a revenue shortfall, and allow the legislature to withdraw funds periodically for critical state needs.

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

(2) Unless approved by a three-fifths vote of the

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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 and corrections; natural resources, environment, growth management, and transportation; general government; and judicial branch. Each major program area shall include an itemization of expenditures for: state operations; state capital outlay; aid to local governments and nonprofit organizations operations; aid to local governments and nonprofit organizations capital outlay; federal funds and the associated state matching funds; spending authorizations for operations; and spending authorizations for capital outlay. Additionally, appropriation bills passed by the legislature shall include an itemization of specific appropriations that exceed one million dollars (\$1,000,000.00)

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in 1992 dollars. For purposes of this subsection, "specific appropriation," "itemization," and "major program area" shall be defined by law. This itemization threshold shall be adjusted by general law every four years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics or its successor. Substantive bills containing appropriations shall also be subject to the itemization requirement mandated under this provision and shall be subject to the governor's specific appropriation veto power described in Article III, Section 8.

(c) APPROPRIATIONS PROCESS.

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

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88 court, may be approved without the concurrence of the full
89 legislature.

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

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

103 (f) TRUST FUNDS.

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

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

113 (3) Trust funds required by federal programs or mandates;
114 trust funds established for bond covenants, indentures, or
115 resolutions, whose revenues are legally pledged by the state or
116 public body to meet debt service or other financial requirements

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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.

(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

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146 million or the amount required to increase the principal balance
147 of the budget stabilization fund to an amount equal to 25% of
148 revenue collections from the general revenue fund to the budget
149 stabilization fund no later than June 30th of each fiscal year.
150 The legislature may suspend this transfer in a fiscal year in
151 which funds are withdrawn from the budget stabilization fund for
152 the purpose of covering revenue shortfalls of the general
153 revenue fund.

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

159 (5) If the principal balance of the budget stabilization
160 fund exceeds an amount equal to 20% of revenue collections, the
161 legislature may withdraw an amount that does not exceed 5% of
162 the principal balance of the budget stabilization fund for the
163 purpose of funding on a nonrecurring basis a critical state
164 need. Such withdrawal must be approved by a two-thirds vote of
165 the membership of each house of the legislature in a separate
166 bill for that purpose only and may not occur more than once
167 every three years.

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

171 (h) LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND
172 AGENCY PLANNING DOCUMENT PROCESSES. General law shall provide
173 for a long-range state planning document. The governor shall
174 recommend to the legislature biennially any revisions to the

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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 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.

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(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 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

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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

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 if there is not a
revenue shortfall, and allow the legislature to withdraw funds
periodically for critical state needs.