

By Commissioner Thompson

1 A proposal to revise
2 ARTICLE III, ss. 8, 19, Fla. Const.; providing
3 guidelines for legislative consideration of
4 veto messages; revising calculation of the
5 72-hour public review period for general
6 appropriation bills.

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8 It is proposed by the Florida Constitution Revision Commission
9 that:

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11 Section 1. Sections 8 and 19 of Article III of the
12 Florida Constitution are revised by amending those sections to
13 read:

14 ARTICLE III
15 LEGISLATURE

16 SECTION 8. Executive approval and veto.--

17 (a) Every bill passed by the legislature shall be
18 presented to the governor for his approval and shall become a
19 law if he approves and signs it, or fails to veto it within
20 seven consecutive days after presentation. If during that
21 period or on the seventh day the legislature adjourns sine die
22 or takes a recess of more than thirty days, he shall have
23 fifteen consecutive days from the date of presentation to act
24 on the bill. In all cases except general appropriation bills,
25 the veto shall extend to the entire bill. The governor may
26 veto any specific appropriation in a general appropriation
27 bill, but may not veto any qualification or restriction
28 without also vetoing the appropriation to which it relates.

29 (b) When a bill or any specific appropriation of a
30 general appropriation bill has been vetoed by the governor, he
31 shall transmit his signed objections thereto to the house in

1 which the bill originated if in session. If that house is not
2 in session, he shall file them with the secretary of state,
3 who shall lay them before that house at its next regular or
4 next special session, whichever occurs first, and they shall
5 be entered on its journal. Legislative action on such veto
6 shall be available only during the next regular or next
7 special session, whichever occurs first.

8 (c) If each house shall, by a two-thirds vote,
9 re-enact the bill or reinstate the vetoed specific
10 appropriation of a general appropriation bill, the vote of
11 each member voting shall be entered on the respective
12 journals, and the bill shall become law or the specific
13 appropriation reinstated, the veto notwithstanding.

14 SECTION 19. State Budgeting, Planning and
15 Appropriations Processes.--

16 (a) ANNUAL BUDGETING. Effective July 1, 1994, general
17 law shall prescribe the adoption of annual state budgetary and
18 planning processes and require that detail reflecting the
19 annualized costs of the state budget and reflecting the
20 nonrecurring costs of the budget requests shall accompany
21 state department and agency legislative budget requests, the
22 governor's recommended budget, and appropriation bills. For
23 purposes of this subsection, the terms department and agency
24 shall include the judicial branch.

25 (b) APPROPRIATION BILLS FORMAT. Separate sections
26 within the general appropriation bill shall be used for each
27 major program area of the state budget; major program areas
28 shall include: education enhancement "lottery" trust fund
29 items; education (all other funds); human services; criminal
30 justice and corrections; natural resources, environment,
31 growth management, and transportation; general government; and

1 judicial branch. Each major program area shall include an
2 itemization of expenditures for: state operations; state
3 capital outlay; aid to local governments and nonprofit
4 organizations operations; aid to local governments and
5 nonprofit organizations capital outlay; federal funds and the
6 associated state matching funds; spending authorizations for
7 operations; and spending authorizations for capital outlay.
8 Additionally, appropriation bills passed by the legislature
9 shall include an itemization of specific appropriations that
10 exceed one million dollars (\$1,000,000.00) in 1992 dollars.
11 For purposes of this subsection, "specific appropriation,"
12 "itemization," and "major program area" shall be defined by
13 law. This itemization threshold shall be adjusted by general
14 law every four years to reflect the rate of inflation or
15 deflation as indicated in the Consumer Price Index for All
16 Urban Consumers, U.S. City Average, All Items, or successor
17 reports as reported by the United States Department of Labor,
18 Bureau of Labor Statistics or its successor. Substantive bills
19 containing appropriations shall also be subject to the
20 itemization requirement mandated under this provision and
21 shall be subject to the governor's specific appropriation veto
22 power described in Article III, Section 8. This subsection
23 shall be effective July 1, 1994.

24 (c) APPROPRIATIONS REVIEW PROCESS. Effective July 1,
25 1993, general law shall prescribe requirements for each
26 department and agency of state government to submit a planning
27 document and supporting budget request for review by the
28 appropriations committees of both houses of the legislature.
29 The review shall include a comparison of the major issues in
30 the planning document and budget requests to those major
31 issues included in the governor's recommended budget. For

1 purposes of this subsection, the terms department and agency
2 shall include the judicial branch.

3 (d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. Effective
4 November 4, 1992, all general appropriation bills shall be
5 furnished to each member of the legislature, each member of
6 the cabinet, the governor, and the chief justice of the
7 supreme court at least seventy-two hours before final passage
8 thereof, by ~~either house of~~ the legislature. Final passage,
9 for the purpose of the seventy-two-hour public review period,
10 means the action, by either house, of taking the last vote
11 necessary which results in the same general appropriation bill
12 being passed by both houses.

13 (e) FINAL BUDGET REPORT. Effective November 4, 1992,
14 a final budget report shall be prepared as prescribed by
15 general law. The final budget report shall be produced no
16 later than the 90th day after the beginning of the fiscal
17 year, and copies of the report shall be furnished to each
18 member of the legislature, the head of each department and
19 agency of the state, the auditor general, and the chief
20 justice of the supreme court.

21 (f) TRUST FUNDS.

22 (1) No trust fund of the State of Florida or other
23 public body may be created by law without a three-fifths (3/5
24) vote of the membership of each house of the legislature in a
25 separate bill for that purpose only.

26 (2) State trust funds in existence before the
27 effective date of this subsection shall terminate not more
28 than four years after the effective date of this subsection.
29 State trust funds created after the effective date of this
30 subsection shall terminate not more than four years after the
31 effective date of the act authorizing the creation of the

1 trust fund. By law the legislature may set a shorter time
2 period for which any trust fund is authorized.

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

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

24 (5) The provisions of this subsection shall be
25 effective November 4, 1992.

26 (g) BUDGET STABILIZATION FUND. Beginning with the
27 1994-1995 fiscal year, at least 1% of an amount equal to the
28 last completed fiscal year's net revenue collections for the
29 general revenue fund shall be retained in a budget
30 stabilization fund. The budget stabilization fund shall be
31 increased to at least 2% of said amount for the 1995-1996

1 fiscal year, at least 3% of said amount for the 1996-1997
2 fiscal year, at least 4% of said amount for the 1997-1998
3 fiscal year, and at least 5% of said amount for the 1998-1999
4 fiscal year. Subject to the provisions of this subsection,
5 the budget stabilization fund shall be maintained at an amount
6 equal to at least 5% of the last completed fiscal year's net
7 revenue collections for the general revenue fund. The budget
8 stabilization fund's principal balance shall not exceed an
9 amount equal to 10% of the last completed fiscal year's net
10 revenue collections for the general revenue fund. The
11 legislature shall provide criteria for withdrawing funds from
12 the budget stabilization fund in a separate bill for that
13 purpose only and only for the purpose of covering revenue
14 shortfalls of the general revenue fund or for the purpose of
15 providing funding for an emergency, as defined by general law.
16 General law shall provide for the restoration of this fund.
17 The budget stabilization fund shall be comprised of funds not
18 otherwise obligated or committed for any purpose.

19 (h) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY
20 PLANNING DOCUMENT PROCESSES. The governor shall recommend to
21 the legislature biennially any revisions to the state planning
22 document, as defined by law. General law shall require a
23 biennial review and revision of the state planning document,
24 shall require the governor to report to the legislature on the
25 progress in achieving the state planning document's goals, and
26 shall require all departments and agencies of state government
27 to develop planning documents consistent with the state
28 planning document. The state planning document and department
29 and agency planning documents shall remain subject to review
30 and revision by the legislature. The department and agency
31 planning documents shall include a prioritized listing of

1 planned expenditures for review and possible reduction in the
2 event of revenue shortfalls, as defined by general law. To
3 ensure productivity and efficiency in the executive,
4 legislative, and judicial branches, a quality management and
5 accountability program shall be implemented by general law.
6 For the purposes of this subsection, the terms department and
7 agency shall include the judicial branch. This subsection
8 shall be effective July 1, 1993.