Proposal No. 179

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

It is proposed by the Florida Constitution Revision Commission
that:

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

ARTICLE III
LEGISLATURE
SECTION 8. Executive approval and veto.--
(a) Every bill passed by the legislature shall be
presented to the governor for his approval and shall become a
law if he approves and signs it, or fails to veto it within
seven consecutive days after presentation. If during that
period or on the seventh day the legislature adjourns sine die
or takes a recess of more than thirty days, he shall have
fifteen consecutive days from the date of presentation to act
on the bill. In all cases except general appropriation bills,
the veto shall extend to the entire bill. The governor may
veto any specific appropriation in a general appropriation
bill, but may not veto any qualification or restriction
without also vetoing the appropriation to which it relates.
(b) When a bill or any specific appropriation of a
general appropriation bill has been vetoed by the governor, he
shall transmit his signed objections thereto to the house in

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which the bill originated if in session. If that house is not
in session, he shall file them with the secretary of state,
who shall lay them before that house at its next regular or
special session, whichever occurs first, and they shall be
entered on its journal. If the originating house votes to
re-enact a vetoed measure, whether in a regular or special
session, and the other house does not consider or fails to
re-enact the vetoed measure, no further consideration by
either house at any subsequent session may be taken. If a
vetoed measure is presented at a special session and the
originating house does not consider it, the measure will be
available for consideration at any intervening special session
and until the end of the next regular session.

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

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

(a) ANNUAL BUDGETING. Effective July 1, 1994, 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. For
purposes of this subsection, the terms department and agency
shall include the judicial branch.

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(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) 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. This subsection shall be effective July 1, 1994.

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(c) APPROPRIATIONS REVIEW PROCESS. Effective July 1, 1993, general law shall prescribe requirements for each department and agency of state government to submit a planning document and supporting budget request for review by the appropriations committees of both houses of the legislature. The review shall include a comparison of the major issues in the planning document and budget requests to those major issues included in the governor's recommended budget. For purposes of this subsection, the terms department and agency shall include the judicial branch.

(d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. Effective November 4, 1992, 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 thereof, by either house of the legislature. Final passage, for the purpose of the seventy-two-hour public review period, means the action, by either house, of taking the last vote necessary which results in the same general appropriation bill being passed by both houses.

(e) FINAL BUDGET REPORT. Effective November 4, 1992, a final budget report shall be prepared as prescribed by general law. The final budget report shall be produced no later than the 90th 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 by law without a three-fifths (3/5)

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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 in existence before the effective date of this subsection shall terminate not more than four years after the effective date of this subsection. State trust funds created after the effective date of this subsection shall terminate not more than four years after the effective date of the act authorizing the 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 Regents, 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 comptroller 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.

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

(g) BUDGET STABILIZATION FUND. Beginning with the 1994-1995 fiscal year, at least 1% of an amount equal to the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund shall be increased to at least 2% of said amount for the 1995-1996 fiscal year, at least 3% of said amount for the 1996-1997 fiscal year, at least 4% of said amount for the 1997-1998 fiscal year, and at least 5% of said amount for the 1998-1999 fiscal year. Subject to the provisions of this subsection, the budget stabilization fund shall be maintained at an amount equal to at least 5% of the last completed fiscal year's net revenue collections for the general revenue fund. The budget stabilization fund's principal balance shall not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund. 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. 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) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY PLANNING DOCUMENT PROCESSES. The governor shall recommend to the legislature biennially any revisions to the state planning document, as defined by law. General law shall require a biennial review and revision of the state planning document,

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shall require the governor to report to the legislature on the progress in achieving the state planning document's goals, and shall require all departments and agencies of state government to develop planning documents consistent with the state planning document. The state planning document and department and agency planning documents shall remain subject to review and revision by the legislature. 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. To ensure productivity and efficiency in the executive, legislative, and judicial branches, a quality management and accountability program shall be implemented by general law. For the purposes of this subsection, the terms department and agency shall include the judicial branch. This subsection shall be effective July 1, 1993.

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