

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7103      PCB GOAS 16-01      The Legislature/Date for Convening 2018 Regular Session

**SPONSOR(S):** Government Operations Appropriations Subcommittee, Nuñez

**TIED BILLS:**                      **IDEN./SIM. BILLS:**

| REFERENCE   | ACTION    | ANALYST | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|---|-----------|---------|--|
| Orig. Comm.: Government Operations<br>Appropriations Subcommittee | 10 Y, 0 N | Keith   | Topp                                     |
| 1) State Affairs Committee  | 15 Y, 1 N | Moore   | Camechis                                 |

### SUMMARY ANALYSIS

The State Constitution provides that, in odd-numbered years, the regular session of the Legislature must begin on the first Tuesday after the first Monday in March. For even-numbered years, the State Constitution permits the Legislature to fix by law the date for convening the regular legislative session. If no date is fixed by law, the regular session in even-numbered years must begin on the first Tuesday after the first Monday in March.

The Legislature has not permanently fixed a specific date in law for even-numbered years. As such, the regular legislative session for even-numbered years typically convenes on the first Tuesday after the first Monday in March. However, in 2014, the Legislature enacted ch. 2014-106, Laws of Florida, to require the 2016 regular legislative session to begin on January 12, 2016. For subsequent even-numbered years, the regular legislative session will convene on the first Tuesday after the first Monday in March.

The bill requires the 2018 regular session of the Legislature to convene on Tuesday, January 9, 2018.

The bill has no fiscal impact on state or local government.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

The State Constitution prescribes the date for convening the 60-day regular session of the Legislature. Specifically, the State Constitution provides that, in odd-numbered years, the regular session of the Legislature must begin on the first Tuesday after the first Monday in March. For even-numbered years, the State Constitution permits the Legislature to fix by law the date for convening the regular legislative session.<sup>1</sup> If no date is fixed by law, the regular session in even-numbered years must begin on the first Tuesday after the first Monday in March.

Presently, the Legislature has not permanently fixed a specific date in law for even-numbered years. As such, the regular legislative session for even-numbered years typically convenes on the first Tuesday after the first Monday in March.<sup>2</sup> However, in 2014, the Legislature enacted ch. 2014-106, Laws of Florida, to require the 2016 regular legislative session to begin on January 12, 2016. For subsequent even-numbered years, the regular legislative session will convene on the first Tuesday after the first Monday in March.

##### Effect of the Bill

The bill requires the 2018 regular session of the Legislature to convene on Tuesday, January 9, 2018.

#### B. SECTION DIRECTORY:

**Section 1:** creates an unnumbered section of law and fixes the date for convening the 2018 regular session of the Legislature.

**Section 2:** provides that the act is effective upon becoming law.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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<sup>1</sup> Subsection 3(b), Article III, Florida Constitution.

<sup>2</sup> Traditionally, the Legislature fixes an early start date for the regular session in apportionment (redistricting) years. For example, in 2012, the regular legislative session started on January 10, 2012. See chapter 2010-91, L.O.F.

None.

D. FISCAL COMMENTS:

Moving the start date of the regular legislative session in 2018 would result in the Legislature enacting the state budget approximately six weeks earlier than current practice. This change would provide state agencies with additional time prior to the start of the fiscal year to implement or react to any budgetary changes.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments: Governor's Recommended Budget

Current law requires the Governor to submit a recommended balanced budget to the state at least 30 days before the scheduled annual legislative session, unless a later date is approved in writing by the President of the Senate and the Speaker of the House of Representatives.<sup>3</sup> Moving the start date of the 2018 regular legislative session would require the Governor to submit a recommended balanced budget earlier in that year.

Other Comments: Declaration of Impasse

Current law requires the Governor to declare an impasse in all collective bargaining negotiations for which he or she is deemed to be the public employer and for which a collective bargaining agreement has not been executed at the same time the Governor is required to furnish his or her recommended budget to the Legislature.<sup>4</sup> Moving the start date of the 2018 regular legislative session would require the Governor to declare an impasse in collective bargaining issues earlier in that year.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.

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<sup>3</sup> Section 216.162(1), F.S.

<sup>4</sup> Section 216.163(6), F.S.