

By Senator Benacquisto

27-02067-17

20171762__

Senate Concurrent Resolution

A concurrent resolution amending Joint Rule 2 of the Joint Rules of the Florida Legislature for the 2016-2018 term relating to budget conference committee rules.

WHEREAS, each chamber may adopt rules or policies to govern its process for including appropriations projects in its version of the general appropriations bill, and

WHEREAS, these joint rules acknowledge each chamber's authority to establish a transparent budgetary process, and

WHEREAS, such process should include some level of data collection, including direct responses of the entities involved with the appropriations projects, public testimony, and public dissemination of relevant information, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That Joint Rule 2 of the Joint Rules of the Florida Legislature is amended to read:

JOINT RULE TWO

GENERAL APROPRIATIONS REVIEW PERIOD AND BUDGET CONFERENCE COMMITTEE RULES

2.1-General Appropriations and Related Bills; Review Periods

(1) A general appropriations bill shall be subject to a 72-hour public review period before a vote is taken on final

27-02067-17

20171762__

30 passage of the bill in the form that will be presented to the
31 Governor.

32 (2) If a bill is returned to the house in which the bill
33 originated and the originating house does not concur in all the
34 amendments or adds additional amendments, no further action
35 shall be taken on the bill by the nonoriginating house, and a
36 conference committee shall be established by operation of this
37 rule to consider the bill.

38 (3) If a bill is referred to a conference committee by
39 operation of this rule, a 72-hour public review period shall be
40 provided prior to a vote being taken on the conference committee
41 report by either house.

42 (4) A copy of the bill, a copy of the bill with amendments
43 adopted by the nonoriginating house, or the conference committee
44 report shall be furnished to each member of the Legislature, the
45 Governor, the Chief Justice of the Supreme Court, and each
46 member of the Cabinet. Copies for the Governor, Chief Justice,
47 and members of the Cabinet shall be furnished to the official's
48 office in the Capitol or Supreme Court Building.

49 (5) (a) Copies required to be furnished under subsection (4)
50 shall be furnished to members of the Legislature as follows:

51 1. A printed copy may be placed on each member's desk in
52 the appropriate chamber; or

53 2. An electronic copy may be furnished to each member. The
54 Legislature hereby deems and determines that a copy shall have
55 been furnished to the members of the Legislature when an
56 electronic copy is made available to every member of the
57 Legislature. An electronic copy is deemed to have been made
58 available when it is accessible via the Internet or other

27-02067-17

20171762__

59 information network consisting of systems ordinarily serving the
60 members of the Senate or the House of Representatives.

61 (b) An official other than a member of the Legislature who
62 is to be furnished a copy of a general appropriations bill under
63 subsection (4) may officially request that an electronic copy of
64 the bill be furnished in lieu of a printed copy, and, if
65 practicable, the copy may be furnished to the official in the
66 manner requested.

67 (6) The Secretary of the Senate shall be responsible for
68 furnishing copies under this rule for Senate bills, House bills
69 as amended by the Senate, and conference committee reports on
70 Senate bills. The Clerk of the House shall be responsible for
71 furnishing copies under this rule for House bills, Senate bills
72 as amended by the House, and conference committee reports on
73 House bills.

74 (7) The 72-hour public review period shall begin to run
75 upon completion of the furnishing of copies required to be
76 furnished under subsection (4). The Speaker of the House of
77 Representatives and the President of the Senate, as appropriate,
78 shall be informed of the completion time, and such time shall be
79 announced on the floor prior to vote on final passage in each
80 house and shall be entered in the journal of each house.
81 Saturdays, Sundays, and holidays shall be included in the
82 computation under this rule.

83 (8) An implementing or conforming bill recommended by a
84 conference committee shall be subject to a 24-hour public review
85 period before a vote is taken on the conference committee report
86 by either house, if the conference committee submits its report
87 after the furnishing of a general appropriations bill to which

27-02067-17

20171762__

88 the 72-hour public review period applies.

89 (9) With respect to each bill that may be affected, a
90 member of the Senate or the House of Representatives may not
91 raise a point of order under this rule after a vote is taken on
92 the bill. Except as may be required by the Florida Constitution,
93 noncompliance with any requirement of this rule may be waived by
94 a two-thirds vote of those members present and voting in each
95 house.

96

97 2.2-General Appropriations and Related Bills; Definitions

98 As used in Joint Rule Two, the term:

99 (1) "Conforming bill" means a bill that amends the Florida
100 Statutes to conform to a general appropriations bill.

101 (2) "General appropriations bill" means a bill that
102 provides for the salaries of public officers and other current
103 expenses of the state and contains no subject other than
104 appropriations. A bill that contains appropriations that are
105 incidental and necessary solely to implement a substantive law
106 is not included within this term. For the purposes of Joint Rule
107 Two and Section 19(d) of Article III of the Florida
108 Constitution, the Legislature hereby determines that, after a
109 general appropriations bill has been enacted and establishes
110 governing law for a particular fiscal year, a bill considered in
111 any subsequent session that makes net reductions in such enacted
112 appropriations or that makes supplemental appropriations shall
113 not be deemed to be a general appropriations bill unless such
114 bill provides for the salaries of public officers and other
115 current expenses of the state for a subsequent fiscal year.

116 (3) "Implementing bill" means a bill, effective for one

27-02067-17

20171762__

117 fiscal year, implementing a general appropriations bill.

118 (4) (a) "Appropriations project" means a specific
119 appropriation, proviso, or item on a conference committee
120 spreadsheet agreed to by House and Senate conferees providing
121 funding for:

122 1. A local government, private entity, or privately-
123 operated program, wherein the specific appropriation, proviso,
124 or item on a conference committee spreadsheet specifically names
125 the local government, private entity, or privately-operated
126 program or the appropriation, proviso, or item is written in
127 such a manner as to describe a particular local government,
128 private entity, or privately-operated program;

129 2. A specific transportation facility that was not part of
130 the Department of Transportation's 5-year work program submitted
131 pursuant to s. 339.135, Florida Statutes;

132 3. An education fixed capital outlay project that was not
133 submitted pursuant to s. 1013.60 or s. 1013.64, Florida
134 Statutes, unless funds for the specific project were
135 appropriated by the Legislature in a prior year and additional
136 funds are needed to complete the project as originally proposed;

137 4. A specified program, research initiative, institute,
138 center, or similar entity at a specific state college or
139 university, unless recommended by the Board of Governors or the
140 State Board of Education in their Legislative Budget Request; or

141 5. A local water project.

142 (b) The term does not include an appropriation that:

143 1. Is specifically authorized by statute;

144 2. Is part of a statewide distribution to local
145 governments; or

27-02067-17

20171762__

146 3. Was recommended by a commission, council, or other
147 similar entity created in statute to make annual funding
148 recommendations, provided that such appropriation does not
149 exceed the amount of funding recommended by the commission,
150 council, or other similar entity.

151
152 2.3-Budget Conference Committee Rules

153 (1) For an appropriations project to be included in a
154 conference committee report:

155 (a) The appropriations project must be included in a bill
156 or an amendment placed into a budget conference; and

157 (b) Information required by subsections (2) and (3)
158 relating to the appropriations project must have been in writing
159 and published online prior to the passage by that chamber of the
160 bill or amendment which was placed into a budget conference.

161 (2) The information collected must include:

162 (a) A descriptive title of the appropriations project.

163 (b) The date of the submission.

164 (c) The name of the submitting member.

165 (d) The most recent year in which the appropriations
166 project received state funding, if applicable.

167 (e) Whether the most recent funding for the project had
168 been vetoed.

169 (f) The amount of the nonrecurring request.

170 (g) The amount of funding received in the prior year on a
171 recurring or nonrecurring basis.

172 (h) In what agency the project is best placed and whether
173 the agency has been contacted.

174 (i) The name of the organization or entity receiving the

27-02067-17

20171762__

175 funds as well as a point of contact for the organization or
176 entity.

177 (j) The name of the registered lobbyist of the entity
178 requesting the appropriations project.

179 (k) Whether the organization to receive the funds is a for-
180 profit entity, a not-for-profit entity, a local entity, a state
181 university or college, or other type of organization.

182 (l) The specific purpose or goal that will be achieved by
183 the funds requested.

184 (m) The activities and services that will be provided to
185 meet the intended purpose of these funds.

186 (n) Specific descriptions of how the funds will be
187 expended, including a description and the amounts to be expended
188 on: administrative costs, itemized to include the salary of the
189 executive director or project head, other salaries and benefits,
190 expenses, and consultants, contractors, or studies; operational
191 costs, itemized to include salaries and benefits, expenses, and
192 consultants, contractors, or studies; and fixed capital outlay,
193 itemized to include land purchase, planning, engineering,
194 construction, and renovation.

195 (o) The owner of the facility to receive, directly or
196 indirectly, any fixed capital outlay funding, and the
197 relationship between the owners of the facility and the entity.

198 (p) A description of the direct services to be provided to
199 citizens by the appropriations project, if applicable.

200 (q) A description of the target population to be served and
201 the number of individuals to be served by the appropriations
202 project.

203 (r) A description of the specific benefit or outcome,

27-02067-17

20171762__

204 including the methodology by which this outcome will be
205 measured.

206 (s) The amount and percentage of federal, local, and state
207 funds, excluding the funds requested for the appropriations
208 project, or other matching funds available for the
209 appropriations project.

210 (t) How much additional nonrecurring funding is anticipated
211 to be requested in future years by amount per year.

212 (u) The suggested penalties that the contracting agency may
213 consider in addition to its standard penalties for failing to
214 meet deliverables or performance measures provided for in the
215 contract.

216 (3) With respect to an appropriations project that is also
217 a local water project, the information collected must also
218 include:

219 (a) Whether alternative state funding such as the Waste
220 Water Revolving Loan, Drinking Water Revolving Loan, Small
221 Community Waste Water Drinking grant, or other funding has been
222 requested.

223 (b) Whether the project is for a financially disadvantaged
224 community, as defined in chapter 62-552, Florida Administrative
225 Code; a financially disadvantaged municipality; a rural area of
226 critical economic concern; or a rural area of opportunity, as
227 defined in s. 288.0656, Florida Statutes.

228 (c) Whether the construction status is shovel-ready.

229 (d) The percentage of construction completed and the
230 estimated completion date.

231 (4) Each chamber must collect the required information
232 described in subsections (2) and (3) in the form and manner

27-02067-17

20171762__

233 prescribed by that chamber.

234 (5) The portion of an appropriations project which was
235 funded with recurring funds in the most recently enacted general
236 appropriations act is exempt from subsections (1), (2) and (3).

237 (6) An appropriations project may only be funded with
238 nonrecurring funds, except that the portion of an appropriations
239 project which was funded with recurring funds as provided in
240 subsection (5) may be continued with or without additional
241 nonrecurring funds.

242 (7) The nonrecurring funding of an appropriations project
243 in the conference committee report may be less than, equal to,
244 or greater than the funding for the appropriations project as
245 originally committed to the conference committee.

246 (8) An appropriations project that was not included in
247 either chamber's bill in accordance with subsections (1), (2)
248 and (3) may not be included in a conference report.

249 (9) (a) To be included in a conference committee report, all
250 appropriations projects, except as otherwise provided in
251 paragraph (b), must be clearly identified in the bill or
252 amendment that will be considered by a conference committee and
253 in any conference report.

254 (b) An appropriations project funded with recurring funds
255 in the most recently enacted general appropriation act that is
256 not appropriated any additional funds is exempt from the
257 provisions of paragraph (a).

258 (10) The conference committee must allow for public
259 testimony regarding appropriations projects at each noticed
260 meeting.

261 (11) Notwithstanding subsections (1), (2) and (3), and only

27-02067-17

20171762__

262 for the 2017 regular, extended, and special session, the
263 required information may be collected by either chamber.
264 Information collected pursuant to House Rule 5.14 or the Senate
265 local funding initiative request form prior to the adoption of
266 this Joint Rule meets the requirements of this Joint Rule.
267 Information collected subsequent to the adoption of this Joint
268 Rule must meet the requirements of subsections (2) and (3).

269 (12) Nothing in this rule shall limit either chamber's
270 ability to apply a stricter standard to its own bills prior to
271 the commencement of conference proceedings. This Joint Rule
272 applies to all conference committee reports related to the
273 General Appropriations Act and supersedes either chamber's rules
274 that are contrary to or inconsistent with the provisions of this
275 Joint Rule.