

By Senator Grant

41-1718B-98

1 Senate Concurrent Resolution No. ____

2 A concurrent resolution amending Joint Rules 1,
3 3, and 4 of the Joint Rules of the Legislature.

4
5 Be It Resolved by the Senate of the State of Florida, the
6 House of Representatives Concurring:

7
8 That Joint Rules 1, 3, and 4 of the Joint Rules of the
9 Legislature are amended to read:

10 JOINT RULES

11 JOINT RULE ONE

12 LOBBYIST REGISTRATION AND REPORTING

13
14 1.1--Those Required to Register; Exemptions; Committee
15 Appearance Records

16 (1) All lobbyists before the Florida Legislature must
17 register with the Lobbyist Registration Office in the Division
18 of Legislative Information Services of the Office of
19 Legislative Services, referred to in Joint Rule One as the
20 Lobbyist Registration Office ~~Joint Legislative Management~~
21 ~~Committee~~. Registration is required for each principal
22 represented.

23 (2) As used in this rule, unless the context otherwise
24 requires:

25 (a) "Designated lobbyist" means the lobbyist who is
26 appointed, by a principal represented by two or more
27 lobbyists, to file expenditure reports that include lobbying
28 expenditures made directly by the principal.

29 (b) "Legislative action" means introduction,
30 sponsorship, testimony, debate, voting, or any other official
31 action on any measure, resolution, amendment, nomination,

1 appointment, or report of, or any matter which may be the
2 subject of action by, either house of the Legislature or any
3 committee thereof.

4 (c) "Lobby" or "lobbying" means influencing or
5 attempting to influence legislative action or nonaction
6 through oral or written communication or an attempt to obtain
7 the goodwill of a member or employee of the Legislature.

8 (d) "Lobbyist" means a person who is employed and
9 receives payment, or who contracts for economic consideration,
10 for the purpose of lobbying, or a person who is principally
11 employed for governmental affairs by another person or
12 governmental entity to lobby on behalf of that other person or
13 governmental entity. An employee of the principal is not a
14 "lobbyist" unless the employee is principally employed for
15 governmental affairs. "Principally employed for governmental
16 affairs" means that one of the principal or most significant
17 responsibilities of the employee to the employer is overseeing
18 the employer's various relationships with government or
19 representing the employer in its contacts with government.
20 Any person employed by any executive, judicial, or
21 quasi-judicial department of the state or any community
22 college of the state who seeks to encourage the passage,
23 defeat, or modification of any legislation by personal
24 appearance or attendance before the House of Representatives
25 or the Senate, or any member or committee thereof, is a
26 lobbyist.

27 (e) "Payment" or "salary" means wages or any other
28 consideration provided in exchange for services, but does not
29 include reimbursement for expenses.

30 (f) "Principal" means the person, firm, corporation,
31 or other entity which has employed or retained a lobbyist.

1 | When an association has employed or retained a lobbyist, the
2 | association is the principal; the individual members of the
3 | association are not principals merely because of their
4 | membership in the association.

5 | (3) For purposes of this rule, the terms "lobby" and
6 | "lobbying" do not include any of the following:

7 | (a) Response to an inquiry for information by any
8 | member, committee, or staff of the Legislature.

9 | (b) An appearance in response to a legislative
10 | subpoena.

11 | (c) Advice or services which arise out of a
12 | contractual obligation with the Legislature, a member, a
13 | committee, any staff, or any legislative entity to render the
14 | advice or services where such obligation is fulfilled through
15 | the use of public funds.

16 | (d) Representation of a client before the House of
17 | Representatives or the Senate, or any member or committee
18 | thereof, when the client is subject to disciplinary action by
19 | the House of Representatives or the Senate, or any member or
20 | committee thereof.

21 | (4) For purposes of registration and reporting, the
22 | term "lobbyist" does not include any of the following:

23 | (a) A member of the Legislature.

24 | (b) A person who is employed by the Legislature.

25 | (c) A judge who is acting in that judge's official
26 | capacity.

27 | (d) A person who is a state officer holding elective
28 | office or an officer of a political subdivision of the state
29 | holding elective office and who is acting in that officer's
30 | official capacity.

31 |

1 (e) A person who appears as a witness or for the
2 purpose of providing information at the written request of the
3 chair of a committee, subcommittee, or legislative delegation.

4 (f) A person employed by any executive, judicial, or
5 quasi-judicial department of the state or community college of
6 the state who makes a personal appearance or attendance before
7 the House of Representatives or the Senate, or any member or
8 committee thereof, while that person is on approved leave or
9 outside normal working hours, and who does not otherwise meet
10 the definition of lobbyist.

11 (5) When a person, whether or not the person is
12 registered as a lobbyist, appears before a committee of the
13 Legislature, that person must submit a Committee Appearance
14 Record on a form to be provided by the respective house.

15
16 1.2--Method of Registration

17 (1) Each person who is required to register under
18 Joint Senate and House Rule 1.1 must register on forms
19 furnished by the Lobbyist Registration Office ~~Joint~~
20 ~~Legislative Management Committee~~, on which that person must
21 state, under oath, that person's name, business address, and
22 phone number, the name and business address of each principal
23 that person represents, the areas of that person's legislative
24 interest, and the extent of any direct business association or
25 partnership that person has with any member of the
26 Legislature. The Lobbyist Registration Office ~~Joint~~
27 ~~Legislative Management Committee~~ or its designee is authorized
28 to acknowledge the oath of any person who registers in person.
29 Any changes to the information provided in the registration
30 form must be reported to the Lobbyist Registration Office

31

1 ~~Joint Legislative Management Committee~~ in writing within 15
2 days on forms furnished by the Lobbyist Registration Office.

3 (2) Any person required to register must do so with
4 respect to each principal prior to commencement of lobbying on
5 behalf of that principal. At the time of registration, the
6 registrant shall provide a statement signed by the principal
7 or principal's representative that the registrant is
8 authorized to represent the principal. Any person required to
9 register must renew the registration annually, in accordance
10 with Joint Senate and House Rule 1.3.

11 (3) If a principal has one lobbyist registered,
12 another lobbyist for that principal shall not be allowed to
13 register until one of the lobbyists has been appointed by the
14 principal in writing to the Lobbyist Registration Office ~~Joint~~
15 ~~Legislative Management Committee~~ as the principal's designated
16 lobbyist for expenditure reporting. A principal may appoint
17 its first registered lobbyist as the designated lobbyist upon
18 that lobbyist's registration and may change its designated
19 lobbyist at any time.

20 (4) A lobbyist shall promptly send a notice written
21 statement to the Lobbyist Registration Office, on forms
22 furnished by the Lobbyist Registration Office, ~~Joint~~
23 ~~Legislative Management Committee~~ cancelling the registration
24 for a principal upon termination of the lobbyist's
25 representation of that principal. Notwithstanding this
26 requirement, the Lobbyist Registration Office ~~Joint~~
27 ~~Legislative Management Committee~~ may remove the name of a
28 lobbyist from the list of registered lobbyists if the
29 principal notifies the Lobbyist Registration Office ~~joint~~
30 ~~committee~~ that the lobbyist is no longer authorized to
31 represent that principal.

1 (5) The Lobbyist Registration Office ~~Joint Legislative~~
2 ~~Management Committee~~ shall publish on the first Monday of each
3 regular session and weekly thereafter through the end of that
4 session a compilation of the names of persons who have
5 registered and the information contained in their
6 registrations.

7 (6) The Lobbyist Registration Office ~~Joint Legislative~~
8 ~~Management Committee~~ shall retain all original documents
9 submitted under this section.

10 (7) A person who is required to register under this
11 rule, or who chooses to register, shall be considered a
12 lobbyist of the Legislature for the purposes of sections
13 112.3148 and 112.3149, Florida Statutes, relating to reporting
14 and prohibited receipt of gifts and honoraria.

15
16 1.3--Registration Costs; Exemptions

17 (1) To cover the costs incurred in administering this
18 joint policy, each person who registers under Joint Senate and
19 House Rule 1.1 must pay an annual registration fee to the
20 Lobbyist Registration Office ~~Joint Legislative Management~~
21 ~~Committee~~. The annual period runs from January 1 to December
22 31. These fees must be paid at the time of registration.

23 (2) The following persons are exempt from paying the
24 fee, provided they are designated in writing by the agency
25 head or person designated in this subsection:

26 (a) Two employees of each department of the executive
27 branch created under chapter 20, Florida Statutes.

28 (b) Two employees of the Game and Fresh Water Fish
29 Commission.

30 (c) Two employees of the Executive Office of the
31 Governor.

1 (d) Two employees of the Commission on Ethics.
2 (e) Two employees of the Florida Public Service
3 Commission.
4 (f) Two employees of the judicial branch designated in
5 writing by the Chief Justice of the Florida Supreme Court.
6 (3) The annual fee is up to \$50 per each house for a
7 person to register to represent one principal and up to an
8 additional \$10 per house for each additional principal that
9 the person registers to represent. The amount of each fee
10 shall be established annually by the President of the Senate
11 and the Speaker of the House of Representatives ~~Joint~~
12 ~~Legislative Management Committee~~. The fees set shall be
13 adequate to ensure operation of the lobbyist registration and
14 reporting operations of the Lobbyist Registration Office ~~Joint~~
15 ~~Legislative Management Committee~~. The fees collected by the
16 Lobbyist Registration Office ~~Joint Legislative Management~~
17 ~~Committee~~ under this joint policy shall be deposited in the
18 State Treasury and credited to the Legislative Lobbyist
19 Registration Trust Fund ~~appropriation for legislative expenses~~
20 specifically to cover the costs incurred in administering this
21 joint policy.

22
23 1.4--Periodic Reports Required

24 (1) REPORTING DATES.--Each person who registers
25 pursuant to Joint Senate and House Rule 1.2 must submit to the
26 Lobbyist Registration Office ~~Joint Legislative Management~~
27 ~~Committee~~, on forms provided by the Lobbyist Registration
28 Office ~~joint committee~~ and for each reporting period required
29 by this rule, a signed and certified statement listing all
30 lobbying expenditures during the reporting period and the
31 sources of funds for those expenditures as required in this

1 rule. Reporting statements shall be filed no later than 45
2 days after the end of the reporting period. Unless a special
3 session is called, only two reports are required each calendar
4 year. The first report shall disclose expenditures made from
5 January 1 through the date of adjournment of the regular
6 session of the Legislature, including an extension, if any.
7 The second report shall disclose expenditures for the
8 remainder of the calendar year. However, whenever the
9 Legislature convenes in a special session, a separate,
10 supplemental report is required which shall disclose all
11 expenditures incurred during the period since the end of the
12 period covered by the last previous report required to be
13 filed through adjournment of that special session. Following
14 adjournment of a special session for which a separate,
15 supplemental report is required, the next report required to
16 be filed shall disclose all expenditures incurred from the
17 date of adjournment of that special session through the end of
18 the reporting period applicable to that next required report.
19 It is the intent of this rule that each reporting period be
20 separate from every other reporting period and that each
21 expenditure be reported just once. In addition, any reporting
22 statement may be filed by electronic means, when feasible.

23 (2) TIMELINESS OF REPORTS.--Reports shall be filed not
24 later than 5 p.m. of the report due date. However, any report
25 that is postmarked by the United States Postal Service no
26 later than midnight of the due date shall be deemed to have
27 been filed in a timely manner. A certificate of mailing
28 obtained from and dated by the United States Postal Service at
29 the time of the mailing, or a receipt from an established
30 courier company which bears a date on or before the due date,
31 shall be proof of mailing in a timely manner.

1 (3) LOBBYIST'S EXPENDITURE REPORT.--

2 (a) The Lobbyist's Expenditure Report shall include
3 the name of the lobbyist and the name of the principal on whom
4 the report is prepared. Expenditures for the reporting period
5 shall be reported by the following categories: Food and
6 Beverages; Entertainment; Research; Communications; Media
7 Advertising; Publications; Travel; Lodging; Special Events;
8 and Other. For each expenditure category, the report must
9 identify the amount paid directly by the lobbyist, directly by
10 the principal, initiated or expended by the lobbyist and paid
11 for by the principal, or initiated or expended by the
12 principal and paid for by the lobbyist. Forms shall be
13 provided by the Lobbyist Registration Office ~~Joint Legislative~~
14 ~~Management Committee~~.

15 (b) A lobbyist shall file a Lobbyist's Expenditure
16 Report for each principal represented.

17 (c) When a principal has two or more lobbyists, the
18 principal shall designate one lobbyist who will be responsible
19 for filing a report which discloses the expenditures made
20 directly by the principal and the expenditures of the
21 designated lobbyist on behalf of the principal. The
22 designated lobbyist is responsible for making a good faith
23 effort to obtain the figures reported as lobbying expenditures
24 made by the principal.

25 (d) When there are multiple lobbyists, only the
26 designated lobbyist is to report expenditures made directly by
27 the principal. When there are multiple lobbyists, only
28 unduplicated amounts should be reported for expenditures
29 initiated or expended by the lobbyist and paid for by the
30 principal.

31

1 (e) The principal is responsible for the accuracy of
2 the figures submitted to the lobbyist for reporting, and the
3 lobbyist is responsible for the accuracy of the figures
4 reported as lobbying expenditures made by that lobbyist.

5 (4) EXPENDITURES.--

6 (a) Definitions.--

7 1. "Expenditure" means a payment, distribution, loan,
8 advance, reimbursement, deposit, or anything of value made or
9 controlled, directly or indirectly, by a lobbyist or principal
10 for the purpose of lobbying. Expenditures shall be accounted
11 for and reported on an accrual accounting basis.

12 2. "Accrual accounting basis" means the method of
13 accounting that recognizes expenses during the period in which
14 they are incurred regardless of when they are actually paid.

15 (b) Goodwill expenditures.--An expenditure shall be
16 considered to have been intended to be for the purpose of
17 engendering goodwill if it is a gift, an entertainment, any
18 food or beverage, or any other item or service of similar
19 personal benefit to a member or an employee of the
20 Legislature, unless the member or employee is a relative of
21 the lobbyist. A relative is an individual who is related to
22 the member or employee as father, mother, son, daughter,
23 brother, sister, uncle, aunt, first cousin, nephew, niece,
24 husband, wife, father-in-law, mother-in-law, son-in-law,
25 daughter-in-law, brother-in-law, sister-in-law, stepfather,
26 stepmother, stepson, stepdaughter, stepbrother, stepsister,
27 half brother, half sister, grandparent, great grandparent,
28 grandchild, great grandchild, step grandparent, step great
29 grandparent, step grandchild, or step great grandchild; any
30 person who is engaged to be married to the member or employee
31 or who otherwise holds himself or herself out as or is

1 generally known as the person whom the member or employee
2 intends to marry or with whom the member or employee intends
3 to form a household; or any other natural person having the
4 same legal residence as the member or employee.

5 (c) Expenditure categories.--Each reporting individual
6 shall make a good faith effort to report an expenditure and to
7 report it in the appropriate category. If an expenditure fits
8 in two or more categories, it shall be reported in the
9 category to which the expense primarily relates. When an
10 expenditure is not within any defined category, it should be
11 reported in the "Other" category. The categories of
12 expenditures used in this rule are as follows:

13 1.a. "Communications" means dissemination of
14 information, including, but not limited to, by means of the
15 following:

16 I. Audio-visual materials; and

17 II. Signs, placards, banners, buttons, promotional
18 materials, and other display materials;

19
20 together with any associated production services.

21 b. This category does not include media advertising,
22 publications, or research.

23 2. "Entertainment" means amusement or recreation,
24 including, but not limited to, sporting, hunting, fishing,
25 theatrical, artistic, cultural, and musical activities or
26 events.

27 3. "Food and Beverages" means meals, snacks or other
28 edible substances, or liquids for drinking, including services
29 associated therewith.

30 4. "Lodging" means sleeping or living accommodations
31 for an individual for one or more nights.

1 5. "Media Advertising" means newspaper and magazine
2 advertising, radio and television advertising, and outdoor
3 advertising, including production services and copyrighting
4 services.

5 6. "Other" means any item or service that is not
6 included within one of the specified categories, but does not
7 include any item or service that is not required by law to be
8 reported.

9 7. "Publications" means mass-produced, printed
10 materials, including, but not limited to, magazines,
11 newsletters, brochures, or pamphlets, which expressly
12 encourage persons to communicate with members or employees of
13 the Legislature to influence the official actions of members
14 or employees of the Legislature or which are designed to
15 communicate with members or employees of the Legislature.

16 8. "Research" means procurement of information
17 relating to a specific issue, regardless of the form or medium
18 in which that information is provided, including, but not
19 limited to, surveys, bill-tracking services, information
20 services, periodicals, and consultants or consultant services
21 to gather data or statistics.

22 9. "Special Events" means large-scale occurrences,
23 including, but not limited to, receptions, banquets, dinners,
24 or legislative days, to which more than 250 persons are
25 invited and for which the expenditures associated with hosting
26 the occurrence are negotiated with a catering service or
27 facility at a single, set price or which include multiple
28 expenditure categories.

29 10. "Travel" means transporting an individual from one
30 place to another, regardless of the means used.

31

1 (d) Items that are not expenditures.--The term
2 "expenditure" does not include:

3 1. Contributions or expenditures reported pursuant to
4 chapter 106, Florida Statutes; campaign-related personal
5 services provided without compensation by individuals
6 volunteering their time; or any other contribution or
7 expenditure by a political party.

8 2. A lobbyist's or principal's salary, office
9 expenses, and personal expenses for lodging, meals, and
10 travel. If the principal is a firm, corporation, association,
11 or person, other than a natural person, the office expenses of
12 the entity and the salaries of the officers of the entity, as
13 well as expenses for their lodging, meals, and travel, are not
14 lobbying expenditures. Office expenses include, but are not
15 limited to, payment or obligation for rent or mortgage,
16 utilities, postage, telephone service, employees' salaries,
17 furniture, copies, computers, software, paper supplies, and
18 custodial or maintenance services. Communications,
19 publications, and research are office expenses if performed or
20 produced by the lobbyist or principal or their employees. If
21 those functions are performed by independent contractors,
22 other than the lobbyist or principal or an affiliate
23 controlled by the principal, they are expenditures reportable
24 under the appropriate expenditure category.

25 3. If an expense is incurred for a nonlobbying
26 business purpose and the product of that expense is later used
27 for a lobbying purpose, a reportable expenditure is not
28 created.

29 (e) Valuation of expenditures.--

30 1. In calculating the amount of aggregate
31 expenditures, a lobbyist or principal may, prior to prorating,

1 round each entry up or down to the nearest \$5. A record is
2 not required to be maintained for any amount that rounds to
3 zero.

4 2. The amount to be reported for an expenditure shall
5 be determined using the actual cost to the lobbyist or
6 principal or other person making the payment on behalf of the
7 lobbyist or principal, less any compensation received by such
8 lobbyist or principal in payment for the object of the
9 expenditure. If a lobbyist or principal makes a contribution
10 to an expenditure by another lobbyist or principal, the person
11 making the contribution shall report the amount of the
12 contribution as an expenditure, and the person receiving the
13 contribution shall subtract the value of the contribution from
14 the expenditure to be reported by that person.

15 3. When a lobbyist has multiple principals,
16 expenditures made for the purpose of engendering goodwill that
17 are not attributable to one principal may be prorated among
18 the lobbyist's principals or may be attributed to one
19 principal.

20 4. When a lobbyist has multiple principals,
21 expenditures for research or other expenditures that may
22 benefit several principals may be reported to the principal
23 for whom the research was done or other expenditures incurred
24 or prorated to those principals that may benefit from the
25 research or other expenditures.

26 5. The amount reported as an expenditure shall not
27 include the amount of any additional expenses that are
28 required as a condition precedent to eligibility to make an
29 expenditure if the amount expended for the condition precedent
30 is primarily intended to be for a purpose other than lobbying
31 or if it is paid to a charitable organization. If the amount

1 expended for the condition precedent is primarily intended to
2 be for a lobbying purpose and is not paid to a charitable
3 organization, the total amount of the expenditure shall be
4 reported as a lobbying expenditure. Initiation fees,
5 membership fees, and booster fees are examples, although not
6 exclusive examples, of additional expenses that are regularly
7 required as conditions precedent for eligibility to make other
8 expenditures.

9 6. A person providing transportation in a private
10 automobile shall be considered to be making an expenditure at
11 the rate of 29 ~~20~~ cents per mile, and the amount of an
12 expenditure made for transportation provided in other private
13 conveyances shall be determined in accordance with the
14 provisions of section 112.3148(7), Florida Statutes.

15 7. A person providing lodging in a private residence
16 shall be considered to be making an expenditure of \$29 per
17 night.

18 8. Expenditures made for more than one person may be
19 attributed, on a pro rata basis, among all of the persons for
20 whom the expenditure is made.

21 (5) AGGREGATION OF EXPENDITURE FIGURES.--For each
22 reporting period, the Lobbyist Registration Office ~~Joint~~
23 ~~Legislative Management Committee~~ shall aggregate the
24 expenditures reported by all of the lobbyists for a principal
25 represented by more than one lobbyist. Following the last
26 report for each calendar year, the Lobbyist Registration
27 Office ~~Joint Legislative Management Committee~~ shall provide a
28 total of expenditures reported as spent by and on behalf of
29 each principal for that calendar year.

30

31 1.5--Penalties for Late Filing

1 (1) Upon determining that a report is late, the person
2 designated to review the timeliness of reports shall
3 immediately notify the lobbyist as to the failure to timely
4 file the report and that a fine is being assessed for each
5 late day. The fine shall be \$50 per day per report for each
6 late day.

7 (2) Upon receipt of the report, the person designated
8 to review the timeliness of reports shall determine the amount
9 of the fine due based upon the earliest of the following:

10 (a) When a report is actually received by the lobbyist
11 registration and reporting office;

12 (b) When the report is postmarked;

13 (c) When the certificate of mailing is dated; or

14 (d) When the receipt from an established courier
15 company is dated.

16 (3) Such fine shall be paid within 20 days after
17 receipt of the notice of payment due, unless appeal is made to
18 the Lobbyist Registration Office ~~Joint Legislative Management~~
19 ~~Committee~~. The moneys shall be deposited into the Legislative
20 Lobbyist Registration Trust Fund.

21 (4) A fine shall not be assessed against a lobbyist
22 the first time any reports for which the lobbyist is
23 responsible are not timely filed. However, to receive this
24 one-time fine waiver, all reports for which the lobbyist is
25 responsible must be filed within 20 days after receipt of
26 notice that any reports have not been timely filed. A fine
27 shall be assessed for any subsequent late-filed reports.

28 (5) The person designated to review the timeliness of
29 reports shall notify the director of the division ~~Joint~~
30 ~~Legislative Management Committee~~ of the failure of a lobbyist
31

1 to file a report after notice or of the failure of a lobbyist
2 to pay the fine imposed.

3
4 1.6--Appeal of Fines; Hearings; Unusual Circumstances

5 (1) A lobbyist wishing to appeal or dispute a fine
6 imposed in accordance with Joint Senate and House Rule 1.5
7 shall file with the Lobbyist Registration Office ~~of the Joint~~
8 ~~Legislative Management Committee~~ a notice of appeal within 20
9 days after the date of receipt of the notice of payment due,
10 setting out with specificity the unusual circumstances
11 surrounding the failure to file on the designated due date. A
12 request for a hearing on the matter before the director of the
13 division or his or her designee ~~Joint Legislative Management~~
14 ~~Committee~~ must be made within the same 20-day period. The
15 notice of appeal may be accompanied by any documentation or
16 evidence supporting the claim. Failure to timely file a
17 notice of appeal as described in this subsection shall
18 constitute a waiver of the right to appeal or to dispute a
19 fine.

20 (2) The President of the Senate and the Speaker of the
21 House of Representatives ~~Joint Legislative Management~~
22 ~~Committee~~ may waive the fine in whole or in part for good
23 cause shown based on the unusual circumstances presented by
24 the lobbyist.

25 (3) The term "unusual circumstances" for the purposes
26 of this rule means uncommon, rare, or sudden events over which
27 the person has no control and which directly result in the
28 failure to meet the filing requirements.

29
30 1.7--Questions Regarding Registration

31

1 (1) A person may request in writing an informal
2 opinion from the general counsel of the Office of Legislative
3 Services ~~Joint Legislative Management Committee~~ as to the
4 application of this rule to a specific situation. The general
5 counsel shall issue the opinion within 10 days after receiving
6 the request. The informal opinion may be relied upon by the
7 person who requested the informal opinion. A copy of each
8 informal opinion which is issued shall be provided to the
9 presiding officer of each house. The committees designated
10 under section 11.045(4), Florida Statutes, may revise any
11 informal opinion rendered by the general counsel through an
12 advisory opinion to the person who requested the informal
13 opinion. The advisory opinion shall supersede the informal
14 opinion as of the date the advisory opinion is issued.

15 (2) Persons in doubt about the applicability or
16 interpretation of this rule may submit in writing the facts
17 for an advisory opinion to the committee of either ~~the~~
18 ~~respective~~ house designated pursuant to section 11.045(4),
19 Florida Statutes, and may appear in person before the
20 committee in accordance with section 11.045(4), Florida
21 Statutes.

22

23 1.8--Open Records

24 All of the lobbyist registration and expenditure
25 reports received by the Lobbyist Registration Office ~~Joint~~
26 ~~Legislative Management Committee~~ shall be available for public
27 inspection and for duplication at reasonable cost.

28

29 1.9--Records Retention and Inspection

30 Each lobbyist and each principal shall preserve for a
31 period of 4 years all accounts, bills, receipts, computer

1 records, books, papers, and other documents and records
2 necessary to substantiate lobbying expenditures. Upon receipt
3 of a complaint based upon the personal knowledge of the
4 complainant made pursuant to the Senate Rules or Rules of the
5 House of Representatives, any such documents and records may
6 be inspected when authorized by the President of the Senate or
7 the Speaker of the House of Representatives, as applicable.
8 The person authorized to perform the inspection shall be
9 designated in writing and shall be a member of The Florida Bar
10 or a certified public accountant licensed in Florida. Any
11 information obtained by such an inspection may only be used
12 for purposes authorized by law, this rule, Senate Rules, or
13 Rules of the House of Representatives, which purposes may
14 include the imposition of sanctions against a person subject
15 to this rule or Senate Rules or the Rules of the House of
16 Representatives. Any employee who uses that information for
17 an unauthorized purpose is subject to discipline. Any member
18 who uses that information for an unauthorized purpose is
19 subject to discipline under the applicable rules of each
20 house. The right of inspection may be enforced by appropriate
21 writ issued by any court of competent jurisdiction.

22
23 JOINT RULE THREE

24 LEGISLATIVE SUPPORT SERVICES

25
26 3.1--Organizational Structure

27 The Legislature shall be supported by the Office of
28 Legislative Services, the Office of Legislative Information
29 Technology Services, and the Office of Economic and
30 Demographic Research. These offices shall provide support
31 services that are determined by the President of the Senate

1 and the Speaker of the House of Representatives to be
2 necessary and that can be effectively provided jointly to both
3 houses and other units of the Legislature. Each office shall
4 be directed by a coordinator selected by the President of the
5 Senate and the Speaker of the House of Representatives.

6 (1) The Office of Legislative Services shall provide
7 legislative support services other than those prescribed in
8 subsections (2) and (3). The Division of Statutory Revision
9 and the Division of Legislative Information shall be two of
10 the divisions within the Office of Legislative Services.

11 (2) The Office of Legislative Information Technology
12 Services shall provide support services to assist the
13 Legislature in achieving its objectives through the application
14 of cost-effective information technology.

15 (3) The Office of Economic and Demographic Research
16 shall provide research support services, principally regarding
17 forecasting economic and social trends that affect
18 policymaking, revenues, and appropriations.

19
20 3.2--Policies

21 The President of the Senate and the Speaker of the
22 House of Representatives shall jointly adopt policies they
23 consider advisable to carry out the functions of the
24 Legislature.

25
26 ~~3.1--Administration and Rulemaking~~

27 ~~(1) The Joint Legislative Management Committee shall~~
28 ~~meet at times and places necessary to perform the functions~~
29 ~~assigned to it.~~

30 ~~(2) The joint committee shall adopt rules and policies~~
31 ~~for its own organization and operation and for the~~

1 ~~organization and operation of its divisions as is deemed~~
2 ~~advisable to carry out the functions of the joint committee.~~
3 ~~It shall have general administrative responsibility for the~~
4 ~~operation of such divisions.~~

5 ~~(3) Action by a majority vote of the membership of the~~
6 ~~joint committee shall control and be conclusive on any matter~~
7 ~~considered by the joint committee.~~

8
9 ~~3.2--Executive Director~~

10 ~~(1) The joint committee shall appoint its executive~~
11 ~~director by majority vote.~~

12 ~~(2) The executive director shall coordinate the~~
13 ~~activities of all of the divisions of the joint committee and~~
14 ~~shall have authority to hire and remove personnel of the joint~~
15 ~~committee and its divisions.~~

16
17 ~~3.3--Responsibilities~~

18 ~~The joint committee shall be responsible for the~~
19 ~~following:~~

20 ~~(1) Maintaining a library adequate for the needs of~~
21 ~~the Legislature.~~

22 ~~(2) Maintaining a permanent and continuous statutory~~
23 ~~revision plan as provided in ss. 11.242-11.246, Florida~~
24 ~~Statutes, including periodic publication of the Florida~~
25 ~~Statutes.~~

26 ~~(3) Maintaining a bill status system, supplying such~~
27 ~~information relating to all prefiled bills introduced during~~
28 ~~legislative sessions as the joint committee may deem~~
29 ~~necessary.~~

30 ~~(4) Coordinating all matters relative to legislative~~
31 ~~printing and carrying out all duties assigned to the joint~~

1 ~~committee by chapter 283, Florida Statutes, and as otherwise~~
2 ~~assigned to it.~~

3 ~~(5) Developing and administering policies for~~
4 ~~distributing free or reduced-cost copies of the Florida~~
5 ~~Statutes to the state's law schools and to other officers and~~
6 ~~institutions of state and local government based on specific~~
7 ~~need and circumstances.~~

8 ~~(6) Adopting, with the approval of the President of~~
9 ~~the Senate and the Speaker of the House of Representatives,~~
10 ~~and administering a uniform personnel, job classification, and~~
11 ~~pay plan for all legislative employees, and maintaining salary~~
12 ~~information that provides a basis for reviewing whether the~~
13 ~~legislative pay plan is competitive.~~

14 ~~(7) Preparing all payrolls for the Legislature,~~
15 ~~including the certification of vouchers and transmission of~~
16 ~~same to the Comptroller, and maintaining the required and~~
17 ~~necessary payroll records.~~

18 ~~(8) Developing and administering uniform policies~~
19 ~~relating to the purchase or acquisition of all supplies,~~
20 ~~capital outlay items, and other commodities required for the~~
21 ~~proper functioning of the Legislature.~~

22 ~~(9) Developing and administering uniform policies~~
23 ~~relating to keeping an inventory record of capital outlay~~
24 ~~items owned and purchased by the Legislature.~~

25 ~~(10) Issuing and approving all purchase orders under~~
26 ~~the authority of the joint committee.~~

27 ~~(11) Ascertaining that proper authorization has been~~
28 ~~obtained, and preparing and certifying all vouchers for~~
29 ~~expense and capital outlay expenditures. Expenditures~~
30 ~~chargeable to the Senate shall be approved by the President or~~
31 ~~the President's duly authorized agent; expenditures chargeable~~

1 ~~to the joint committee and other units of the Legislature~~
2 ~~shall be approved by the joint committee or its duly~~
3 ~~authorized agent.~~

4 ~~(12) Maintaining records and preparing reports of~~
5 ~~disbursements from the legislative appropriation by offices,~~
6 ~~divisions, or departments, including standing committees, or~~
7 ~~other categories as needed, indicating a breakdown as to type~~
8 ~~of disbursements.~~

9 ~~(13) Preparing suggested budgets in conformity with s.~~
10 ~~216.023, Florida Statutes, for all expenditures of each house,~~
11 ~~the joint committee, and other units of the Legislature and~~
12 ~~submitting same to the respective presiding officers for their~~
13 ~~final approval before transmission to the Executive Office of~~
14 ~~the Governor.~~

15 ~~(14) Contracting with a certified public accountant~~
16 ~~licensed under the Public Accountancy Law of this state for an~~
17 ~~annual audit of the financial records and reports of the~~
18 ~~Legislature and delivering such audit to the President of the~~
19 ~~Senate, the Speaker of the House of Representatives, and the~~
20 ~~members of the joint committee.~~

21 ~~(15) Entering into such other contracts as it shall~~
22 ~~deem necessary in the performance of its functions.~~

23 ~~(16) Publishing a handbook of all policies affecting~~
24 ~~the administration of the joint committee and its divisions~~
25 ~~and the joint administration of the Legislature.~~

26 ~~(17) Carrying on such other functions as are~~
27 ~~determined by the joint committee, with the consent of the~~
28 ~~presiding officers of both houses of the Legislature, to be~~
29 ~~joint functions.~~

30 JOINT RULE FOUR

31 JOINT LEGISLATIVE AUDITING COMMITTEE

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4.1--Responsibilities

(1) On or before December 31 of the year following each decennial census, the Legislative Auditing Committee shall review the performance of the Auditor General and shall submit a report to the Legislature which recommends whether the Auditor General should continue to serve in office.

(2) The expenses of the members of the committee shall be approved by the chair of the committee and paid from the appropriation for legislative expense.

(3) The committee shall review the budget request submitted by the Auditor General and the Office of Program Policy Analysis and Government Accountability and may amend or change it as deemed necessary. The budget request, as amended or changed by the committee, shall become the operating budget of the Auditor General or the Office of Program Policy Analysis and Government Accountability for the ensuing fiscal year; provided that the budget so adopted may subsequently be amended under the same procedure.

(4) The committee shall submit to the President of the Senate and the Speaker of the House of Representatives ~~Joint Legislative Management Committee~~, for approval ~~planning purposes only~~, an estimate of the financial needs of the committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability.

(5) The committee may at any time, without regard to whether the Legislature is in session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and in connection with such investigation may

1 exercise the powers of subpoena by law vested in a standing
2 committee of the Legislature.

3 (6) The committee shall review the performance of the
4 director of the Office of Program Policy Analysis and
5 Government Accountability every 4 years and shall submit a
6 report to the Legislature recommending whether the director
7 should be reappointed. A vacancy in the office must be filled
8 in the same manner as the original appointment.

9 (7) Upon completion of the initial program evaluation
10 and justification review of each state agency listed in s.
11 216.0172, Florida Statutes, the Office of Program Policy
12 Analysis and Government Accountability shall conduct such
13 reviews only at the direction of the Legislative Auditing
14 Committee.

15

16 4.2--Annual audit of financial records

17 (1) The Legislative Auditing Committee shall contract
18 with a certified public accountant licensed under chapter 473,
19 Florida Statutes, for an annual audit of the financial records
20 of the Legislative Auditing Committee, the Auditor General,
21 and the Office of Program Policy Analysis and Government
22 Accountability.

23 (2) Copies of the audit shall be delivered to the
24 President of the Senate, the Speaker of the House of
25 Representatives, the Auditor General or the director of the
26 Office of Program Policy Analysis and Government
27 Accountability, as appropriate, and the members of the
28 Legislative Auditing Committee.

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