

By the Committee on Rules, Resolutions & Ethics and  
Representatives Thrasher and Crady

1                                    House Concurrent Resolution

2            A concurrent resolution amending Joint Rule  
3            One, Joint Rules of the Florida Legislature,  
4            relating to lobbyist registration and  
5            reporting.

6  
7 Be It Resolved by the House of Representatives of the State of  
8 Florida, the Senate Concurring:

9  
10            That Joint Rule One, Joint Rules of the Florida  
11 Legislature, is hereby amended as follows:

12  
13                                    Joint Rule One

14  
15                                    Lobbyist Registration and Reporting

16  
17            1.1--Those Required to Register; Exemptions; Committee  
18 Appearance Records

19            (1) All lobbyists before the Florida Legislature must  
20 register with the Joint Legislative Management Committee.  
21 Registration is required for each principal represented.

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

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

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 Joint Legislative Management Committee, on  
20 which that person must state, under oath, that person's name,  
21 business address, and phone number, the name and business  
22 address of each principal that person represents, the areas of  
23 that person's legislative interest, and the extent of any  
24 direct business association or partnership that person has  
25 with any member of the Legislature. The Joint Legislative  
26 Management Committee or its designee is authorized to  
27 acknowledge the oath of any person who registers in person.  
28 Any changes to the information provided in the registration  
29 form must be reported to the Joint Legislative Management  
30 Committee in writing within 15 days.

31

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

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

18           (4) A lobbyist shall promptly send a written statement  
19 to the Joint Legislative Management Committee cancelling the  
20 registration for a principal upon termination of the  
21 lobbyist's representation of that principal. Notwithstanding  
22 this requirement, the Joint Legislative Management Committee  
23 may remove the name of a lobbyist from the list of registered  
24 lobbyists if the principal notifies the joint committee that  
25 the lobbyist is no longer authorized to represent that  
26 principal. Each person who registers must submit quarterly to  
27 the Joint Legislative Management Committee, on forms furnished  
28 by the committee, a signed and certified statement listing all  
29 lobbying expenditures and sources of funds for those  
30 expenditures as required in Joint Senate and House Rule 1.4.  
31 Reporting statements shall be filed on April 15, July 15,

1 ~~October 15, and January 15 of each year and shall include the~~  
2 ~~expenditures for the periods from January 1 through March 31,~~  
3 ~~April 1 through June 30, July 1 through September 30, and~~  
4 ~~October 1 through December 31, respectively. The reporting~~  
5 ~~statement filed on January 15 shall also include cumulative~~  
6 ~~totals for the previous calendar year. A reporting statement~~  
7 ~~shall be considered timely filed if it is postmarked by the~~  
8 ~~specified date. A request for an extension of time may be~~  
9 ~~filed with the Joint Legislative Management Committee, on~~  
10 ~~forms provided by the committee. The request for an extension~~  
11 ~~must be signed and indicate that expenditures were incurred~~  
12 ~~for the reporting period. An extension of 75 days shall be~~  
13 ~~automatically granted as long as an extension request is filed~~  
14 ~~by the date the reporting statement is due. To obtain an~~  
15 ~~extension for a Consolidated Expenditure Report, the~~  
16 ~~designated lobbyist must request the extension, and the~~  
17 ~~extension shall cover all reports necessary to prepare the~~  
18 ~~Consolidated Expenditure Report. A statement need not be~~  
19 ~~filed for a reporting period if no expenditures have been made~~  
20 ~~during that reporting period. However, the registrant shall~~  
21 ~~certify in the report due January 15 that there were no~~  
22 ~~expenditures during any reporting period for which a report~~  
23 ~~was not filed. Reporting statements, when feasible, may be~~  
24 ~~filed by electronic means.~~

25 (5) The Joint Legislative Management Committee shall  
26 publish on the first Monday of each regular session and weekly  
27 thereafter through the end of that session a compilation of  
28 the names of persons who have registered and the information  
29 contained in their registrations.

30 (6) The Joint Legislative Management Committee shall  
31 retain all original documents submitted under this section.

1           (7) A person who is required to register under this  
2 rule, or who chooses to register, shall be considered a  
3 lobbyist of the Legislature for the purposes of sections  
4 112.3148 and 112.3149, Florida Statutes, relating to reporting  
5 and prohibited receipt of gifts and honoraria.

6  
7           1.3--Registration Costs; Exemptions

8           (1) To cover the costs incurred in administering this  
9 joint policy, each person who registers under Joint Senate and  
10 House Rule 1.1 must pay an annual registration fee to the  
11 Joint Legislative Management Committee. The annual period  
12 runs from January 1 to December 31. These fees must be paid  
13 at the time of registration.

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

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

19           (b) Two employees of the Game and Fresh Water Fish  
20 Commission.

21           (c) Two employees of the Executive Office of the  
22 Governor.

23           (d) Two employees of the Commission on Ethics.

24           (e) Two employees of the Florida Public Service  
25 Commission.

26           (f) Two employees of the judicial branch designated in  
27 writing by the Chief Justice of the Florida Supreme Court.

28           (3) The annual fee is up to \$50 per each house for a  
29 person to register to represent one principal and up to an  
30 additional \$10 per house for each additional principal that  
31 the person registers to represent. The amount of each fee

1 shall be established annually by the Joint Legislative  
2 Management Committee. The fees set shall be adequate to  
3 ensure operation of the lobbyist registration and reporting  
4 operations of the Joint Legislative Management Committee. The  
5 fees collected by the Joint Legislative Management Committee  
6 under this joint policy shall be deposited in the State  
7 Treasury and credited to the appropriation for legislative  
8 expenses specifically to cover the costs incurred in  
9 administering this joint policy.

10  
11 1.4--Periodic Reports Required

12 (1) REPORTING DATES.--Each person who registers  
13 pursuant to Joint Senate and House Rule 1.2 must submit to the  
14 Joint Legislative Management Committee, on forms provided by  
15 the joint committee and for each reporting period required by  
16 this rule, a signed and certified statement listing all  
17 lobbying expenditures during the reporting period and the  
18 sources of funds for those expenditures as required in this  
19 rule. Reporting statements shall be filed no later than 45  
20 days after the end of the reporting period. Unless a special  
21 session is called, only two reports are required each calendar  
22 year. The first report shall disclose expenditures made from  
23 January 1 through the date of adjournment of the regular  
24 session of the Legislature, including an extension, if any.  
25 The second report shall disclose expenditures for the  
26 remainder of the calendar year. However, whenever the  
27 Legislature convenes in a special session, a separate,  
28 supplemental report is required which shall disclose all  
29 expenditures incurred during the period since the end of the  
30 period covered by the last previous report required to be  
31 filed through adjournment of that special session. Following



1 adjournment of a special session for which a separate,  
2 supplemental report is required, the next report required to  
3 be filed shall disclose all expenditures incurred from the  
4 date of adjournment of that special session through the end of  
5 the reporting period applicable to that next required report.  
6 It is the intent of this rule that each reporting period be  
7 separate from every other reporting period and that each  
8 expenditure be reported just once. In addition, any reporting  
9 statement may be filed by electronic means, when feasible.  
10 (2) TIMELINESS OF REPORTS.--Reports shall be filed not  
11 later than 5 p.m. of the report due date. However, any report  
12 that is postmarked by the United States Postal Service no  
13 later than midnight of the due date shall be deemed to have  
14 been filed in a timely manner. A certificate of mailing  
15 obtained from and dated by the United States Postal Service at  
16 the time of the mailing, or a receipt from an established  
17 courier company which bears a date on or before the due date,  
18 shall be proof of mailing in a timely manner.  
19 (3) LOBBYIST'S EXPENDITURE REPORT.--  
20 (a) The Lobbyist's Expenditure Report shall include  
21 the name of the lobbyist and the name of the principal on whom  
22 the report is prepared. Expenditures for the reporting period  
23 shall be reported by the following categories: Food and  
24 Beverages; Entertainment; Research; Communications; Media  
25 Advertising; Publications; Travel; Lodging; Special Events;  
26 and Other. For each expenditure category, the report must  
27 identify the amount paid directly by the lobbyist, directly by  
28 the principal, initiated or expended by the lobbyist and paid  
29 for by the principal, or initiated or expended by the  
30 principal and paid for by the lobbyist. Forms shall be  
31 provided by the Joint Legislative Management Committee.

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

3           (c) When a principal has two or more lobbyists, the  
4 principal shall designate one lobbyist who will be responsible  
5 for filing a report which discloses the expenditures made  
6 directly by the principal and the expenditures of the  
7 designated lobbyist on behalf of the principal. The  
8 designated lobbyist is responsible for making a good faith  
9 effort to obtain the figures reported as lobbying expenditures  
10 made by the principal.

11           (d) When there are multiple lobbyists, only the  
12 designated lobbyist is to report expenditures made directly by  
13 the principal. When there are multiple lobbyists, only  
14 unduplicated amounts should be reported for expenditures  
15 initiated or expended by the lobbyist and paid for by the  
16 principal.

17           (e) The principal is responsible for the accuracy of  
18 the figures submitted to the lobbyist for reporting, and the  
19 lobbyist is responsible for the accuracy of the figures  
20 reported as lobbying expenditures made by that lobbyist.

21           (4) EXPENDITURES.--

22           (a)(1) Definitions MANNER OF REPORTING.--

23           1. All lobbying expenditures shall be reported on an  
24 Individual Lobbyist's Expenditure Report or a Consolidated  
25 Expenditure Report. An "Expenditure" means a payment,  
26 distribution, loan, advance, reimbursement, deposit, or  
27 anything of value made or controlled, directly or indirectly,  
28 by a lobbyist or principal for the purpose of lobbying. Each  
29 reporting individual shall make a good faith effort to report  
30 an expenditure and to report it in the appropriate category.  
31 If an expenditure fits in two or more categories, it shall be

1 ~~reported in the category to which the expense primarily~~  
2 ~~relates. When an expenditure is not within any defined~~  
3 ~~category, it should be reported in the "Other" category.~~  
4 Expenditures shall be accounted for and reported on an either  
5 ~~a cash or~~ accrual accounting basis. ~~The basis selected shall~~  
6 ~~be designated in the space provided on the applicable~~  
7 ~~expenditure report and shall be the basis consistently used,~~  
8 ~~during the entire calendar year, for reporting quarterly and~~  
9 ~~annual expenditures.~~

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

13 (b)(2) Goodwill expenditures.--An expenditure shall be  
14 considered to have been intended to be for the purpose of  
15 engendering goodwill if it is a gift, an entertainment, any  
16 food or beverage, or any other item or service of similar  
17 personal benefit to a member or an employee of the  
18 Legislature, unless the member or employee is a relative of  
19 the lobbyist. A relative is an individual who is related to  
20 the member or employee as father, mother, son, daughter,  
21 brother, sister, uncle, aunt, first cousin, nephew, niece,  
22 husband, wife, father-in-law, mother-in-law, son-in-law,  
23 daughter-in-law, brother-in-law, sister-in-law, stepfather,  
24 stepmother, stepson, stepdaughter, stepbrother, stepsister,  
25 half brother, half sister, grandparent, great grandparent,  
26 grandchild, great grandchild, step grandparent, step great  
27 grandparent, step grandchild, or step great grandchild; any  
28 person who is engaged to be married to the member or employee  
29 or who otherwise holds himself or herself out as or is  
30 generally known as the person whom the member or employee  
31 intends to marry or with whom the member or employee intends

1 to form a household; or any other natural person having the  
2 same legal residence as the member or employee.

3 (c)~~(3)~~ Expenditure categories.--Each reporting  
4 individual shall make a good faith effort to report an  
5 expenditure and to report it in the appropriate category. If  
6 an expenditure fits in two or more categories, it shall be  
7 reported in the category to which the expense primarily  
8 relates. When an expenditure is not within any defined  
9 category, it should be reported in the "Other" category. The  
10 categories of expenditures used in this rule are as follows:

11 ~~(a)~~1.a. "Communications" means dissemination of  
12 information, including, but not limited to, by means of the  
13 following:

14 I.a. Audio-visual materials; and

15 II.b. Signs, placards, banners, buttons, promotional  
16 materials, and other display materials;

17  
18 together with any associated production services.

19 ~~b.2.~~ This category does not include media advertising,  
20 publications, or research.

21 2.(b) "Entertainment" means amusement or recreation,  
22 including, but not limited to, sporting, hunting, fishing,  
23 theatrical, artistic, cultural, and musical activities or  
24 events.

25 3.(c) "Food and Beverages" means meals, snacks or  
26 other edible substances, or liquids for drinking, including  
27 services associated therewith.

28 4.(d) "Lodging" means sleeping or living  
29 accommodations for an individual for one or more nights.

30 5.(e) "Media Advertising" means newspaper and magazine  
31 advertising, radio and television advertising, and outdoor

1 advertising, including production services and copyrighting  
2 services.

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

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

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

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

27 10.(j) "Travel" means transporting an individual from  
28 one place to another, regardless of the means used.

29 (d)(4) Items that are not expenditures.--The term  
30 "expenditure" does not include:

31

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

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

23           3.(c) If an expense is incurred for a nonlobbying  
24 business purpose and the product of that expense is later used  
25 for a lobbying purpose, a reportable expenditure is not  
26 created.

27           (e)(5) Valuation of expenditures.--

28           1.(a) In calculating the amount of aggregate  
29 expenditures, a lobbyist or principal may, prior to prorating,  
30 round each entry up or down to the nearest \$5. A record is  
31

1 not required to be maintained for any amount that rounds to  
2 zero.

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

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

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

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

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

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

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

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

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

28 ~~(6) INDIVIDUAL LOBBYIST'S EXPENDITURE REPORT.--~~

29 ~~(a) When a principal has only one lobbyist, the~~  
30 ~~lobbyist shall file quarterly, as provided in Joint Senate and~~  
31 ~~House Rule 1.2, an Individual Lobbyist's Expenditure Report on~~



1 forms provided by the Joint Legislative Management Committee.  
2 The report shall include the name of the lobbyist and the name  
3 of the principal on whom the report is prepared. Expenditures  
4 for the quarter shall be reported by the following categories:  
5 Food and Beverages; Entertainment; Research; Communications;  
6 Media Advertising; Publications; Travel; Lodging; Special  
7 Events; and Other. For each expenditure category, the report  
8 must identify the amount paid directly by the lobbyist,  
9 directly by the principal, initiated or expended by the  
10 lobbyist and paid for by the principal, or initiated or  
11 expended by the principal and paid for by the lobbyist. The  
12 report filed on January 15 shall contain cumulative totals for  
13 the calendar year.

14 (b) A lobbyist shall file an Individual Lobbyist's  
15 Expenditure Report for each principal represented, unless a  
16 Consolidated Expenditure Report is required to be filed for  
17 that principal.

18 (7) CONSOLIDATED EXPENDITURE REPORT.--

19 (a) When a principal has two or more lobbyists, the  
20 principal shall designate one lobbyist who will be responsible  
21 for filing the Consolidated Expenditure Report. Every  
22 lobbyist so designated shall file quarterly, as provided in  
23 Joint Senate and House Rule 1.2, a Consolidated Expenditure  
24 Report on forms provided by the Joint Legislative Management  
25 Committee. The Consolidated Expenditure Report shall include  
26 the name of the principal and the names of all of the  
27 lobbyists for that principal. A cumulative total by the  
28 expenditure categories of Food and Beverages; Entertainment;  
29 Research; Communications; Media Advertising; Publications;  
30 Travel; Lodging; Special Events; and Other shall be provided  
31 for all lobbyists on the report. The Consolidated Expenditure

1 ~~Report filed on January 15 shall contain cumulative totals for~~  
2 ~~the calendar year.~~

3 ~~(b) Each lobbyist identified on the Consolidated~~  
4 ~~Expenditure Report must provide an Individual Lobbyist's~~  
5 ~~Expenditure Report to the designated lobbyist, who shall~~  
6 ~~attach all the Individual Lobbyist's Expenditure Reports for~~  
7 ~~that principal, including the Individual Lobbyist's~~  
8 ~~Expenditure Report of the designated lobbyist, to the~~  
9 ~~Consolidated Expenditure Report. The designated lobbyist is~~  
10 ~~responsible for attaching each Individual Lobbyist's~~  
11 ~~Expenditure Report to the Consolidated Expenditure Report and~~  
12 ~~completing the Consolidated Expenditure Report. The~~  
13 ~~designated lobbyist is responsible for making a good faith~~  
14 ~~effort to obtain the figures reported as lobbying expenditures~~  
15 ~~made by the principal; however, the principal is responsible~~  
16 ~~for the accuracy of the figures submitted to the designated~~  
17 ~~lobbyist by the principal. The designated lobbyist is not~~  
18 ~~responsible for the failure of another lobbyist to provide the~~  
19 ~~Individual Lobbyist's Expenditure Report to the designated~~  
20 ~~lobbyist and is not responsible for the contents of any~~  
21 ~~Individual Lobbyist's Expenditure Report submitted by another~~  
22 ~~lobbyist.~~

23 ~~(c) When there are multiple lobbyists, only the~~  
24 ~~designated lobbyist is to report expenditures made directly by~~  
25 ~~the principal on the Consolidated Expenditure Report. When~~  
26 ~~there are multiple lobbyists, only unduplicated amounts should~~  
27 ~~be reported for expenditures initiated or expended by the~~  
28 ~~lobbyist and paid for by the principal.~~

30 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 Joint Legislative Management Committee. The moneys shall  
19 be deposited into the Legislative Lobbyist Registration Trust  
20 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 Joint Legislative Management  
30 Committee of the failure of a lobbyist to file a report after  
31

1 notice or of the failure of a lobbyist to pay the fine  
2 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 Joint  
13 Legislative Management Committee must be made within the same  
14 20-day period. The notice of appeal may be accompanied by any  
15 documentation or evidence supporting the claim. Failure to  
16 timely file a notice of appeal as described in this subsection  
17 shall constitute a waiver of the right to appeal or to dispute  
18 a fine.

19 (2) The Joint Legislative Management Committee may  
20 waive the fine in whole or in part for good cause shown based  
21 on the unusual circumstances presented by the lobbyist.

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

26  
27 1.71.5--Questions Regarding Registration

28 (1) A person may request in writing an informal  
29 opinion from the general counsel of the Joint Legislative  
30 Management Committee as to the application of this rule to a  
31 specific situation. The general counsel shall issue the

1 opinion within 10 days after receiving the request. The  
2 informal opinion may be relied upon by the person who  
3 requested the informal opinion. A copy of each informal  
4 opinion which is issued shall be provided to the presiding  
5 officer of each house. The committees designated under  
6 section 11.045(4), Florida Statutes, may revise any informal  
7 opinion rendered by the general counsel through an advisory  
8 opinion to the person who requested the informal opinion. The  
9 advisory opinion shall supersede the informal opinion as of  
10 the date the advisory opinion is issued.

11 (2) Persons in doubt about the applicability or  
12 interpretation of this rule may submit in writing the facts  
13 for an advisory opinion to the committee of the respective  
14 house designated pursuant to section 11.045(4), Florida  
15 Statutes, and may appear in person before the committee in  
16 accordance with section 11.045(4), Florida Statutes.

17

18 1.81.6--Open Records

19 All of the lobbyist registration and expenditure  
20 reports received by the Joint Legislative Management Committee  
21 shall be available for public inspection and for duplication  
22 at reasonable cost.

23

24 1.91.7--Records Retention and Inspection

25 Each lobbyist and each principal shall preserve for a  
26 period of 4 years all accounts, bills, receipts, computer  
27 records, books, papers, and other documents and records  
28 necessary to substantiate lobbying expenditures. Upon receipt  
29 of a complaint based upon the personal knowledge of the  
30 complainant made pursuant to the Senate Rules or Rules of the  
31 House of Representatives, any such documents and records may

1 be inspected when authorized by the President of the Senate or  
2 the Speaker of the House of Representatives, as applicable.  
3 The person authorized to perform the inspection shall be  
4 designated in writing and shall be a member of The Florida Bar  
5 or a certified public accountant licensed in Florida. Any  
6 information obtained by such an inspection may only be used  
7 for purposes authorized by law, this rule, Senate Rules, or  
8 Rules of the House of Representatives, which purposes may  
9 include the imposition of sanctions against a person subject  
10 to this rule or Senate Rules or the Rules of the House of  
11 Representatives. Any employee who uses that information for  
12 an unauthorized purpose is subject to discipline. Any member  
13 who uses that information for an unauthorized purpose is  
14 subject to discipline under the applicable rules of each  
15 house. The right of inspection may be enforced by appropriate  
16 writ issued by any court of competent jurisdiction.

17 ~~(1) For the period from July 1, 1993, to September 30,~~  
18 ~~1993, the statement of expenditures required by section~~  
19 ~~11.045, Florida Statutes (1991), shall be filed no later than~~  
20 ~~January 15, 1994. For the period from October 1, 1993, to~~  
21 ~~December 31, 1993, the applicable lobbyist report shall be~~  
22 ~~filed as provided in Joint Senate and House Rule 1.4; however,~~  
23 ~~cumulative totals are not required for calendar year 1993.~~

24 ~~(2) Until January 1, 1995, the annual fee is \$50 per~~  
25 ~~each house of the Legislature for a person to register to~~  
26 ~~represent a principal and an additional \$10 per house for each~~  
27 ~~additional principal that the person registers to represent.~~

28 ~~(3) For persons who have paid the registration fee for~~  
29 ~~the period July 1, 1992, to June 30, 1994, the registration is~~  
30 ~~valid through June 30, 1994, and those persons may renew their~~  
31 ~~registration for calendar year 1994 at a rate of one-half the~~

1 ~~rate specified in subsection (2). Those renewal registrations~~  
2 ~~expire on December 31, 1994.~~

3 ~~(4) All persons who were required to register under~~  
4 ~~Joint Senate and House Rule One as it existed on October 1,~~  
5 ~~1993, and who registered between that date and the date of~~  
6 ~~adoption of the revisions to Joint Senate and House Rule One~~  
7 ~~by this concurrent resolution, but who, under the revisions to~~  
8 ~~Joint Senate and House Rule One by this concurrent resolution~~  
9 ~~are no longer required to register, may, within 14 days after~~  
10 ~~adoption of the revisions to Joint Senate and House Rule One~~  
11 ~~by this concurrent resolution, withdraw from registration and~~  
12 ~~receive a refund of all fees paid.~~

13 ~~(5) All persons who were not required to register~~  
14 ~~under Joint Senate and House Rule One as it existed on October~~  
15 ~~1, 1993, but who are required to register under the revisions~~  
16 ~~to Joint Senate and House Rule One by this concurrent~~  
17 ~~resolution, are given until January 1, 1994, to comply with~~  
18 ~~the registration requirements of this rule.~~

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31