

By Senator McKay

26-348-00

1 Senate Concurrent Resolution No. ____

2 A concurrent resolution amending Joint Rules 1,
3 4, 5, and 6 of the Joint Rules of the
4 Legislature.

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

8
9 That Joint Rules 1, 4, 5, and 6 of the Joint Rules of
10 the Legislature are amended to read:

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. Registration is required for
21 each principal represented.

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

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

28 (b) "Legislative action" means introduction,
29 sponsorship, testimony, debate, voting, or any other official
30 action on any measure, resolution, amendment, nomination,
31 appointment, or report of, or any matter which may be the

1 subject of action by, either house of the Legislature or any
2 committee thereof.

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

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

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

28 (f) "Principal" means the person, firm, corporation,
29 or other entity that ~~which~~ has employed or retained a
30 lobbyist. When an association has employed or retained a
31 lobbyist, the association is the principal; the individual

1 members of the association are not principals merely because
2 of their membership in the association.

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

5 (a) Response to an inquiry for information made by any
6 member, committee, or staff of the Legislature.

7 (b) An appearance in response to a legislative
8 subpoena.

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

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

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

21 (a) A member of the Legislature.

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

23 (c) A judge who is acting in that judge's official
24 capacity.

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

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

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

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

12
13 1.2--Method of Registration

14 (1) Each person who is required to register under
15 Joint Senate and House Rule 1.1 must register on forms
16 furnished by the Lobbyist Registration Office, on which that
17 person must state, under oath, that person's full legal name,
18 driver's license number, business address, and phone number,
19 the name and business address of each principal that person
20 represents, the areas of that person's legislative interest,
21 and the extent of any direct business association or
22 partnership that person has with any member of the
23 Legislature. The Lobbyist Registration Office or its designee
24 is authorized to acknowledge the oath of any person who
25 registers in person. Any changes to the information provided
26 in the registration form must be reported to the Lobbyist
27 Registration Office in writing within 15 days on forms
28 furnished by the Lobbyist Registration Office.

29 (2) Any person required to register must do so with
30 respect to each principal prior to commencement of lobbying on
31 behalf of that principal. At the time of registration, the

1 registrant shall provide a statement signed by the principal
2 or principal's representative that the registrant is
3 authorized to represent the principal. Any person required to
4 register must renew the registration annually, in accordance
5 with Joint Senate and House Rule 1.3.

6 (3) If a principal is represented by two or more
7 lobbyists, the first lobbyist who registers to represent that
8 principal shall be the designated lobbyist. The principal may
9 change its designated lobbyist at any time in writing on forms
10 furnished by the Lobbyist Registration Office. Upon
11 termination of the designated lobbyist's representation, the
12 principal shall notify the Lobbyist Registration Office within
13 15 days, on forms furnished by the office, of the appointment
14 of a new designated lobbyist.~~has one lobbyist registered,~~
15 ~~another lobbyist for that principal shall not be allowed to~~
16 ~~register until one of the lobbyists has been appointed by the~~
17 ~~principal in writing to the Lobbyist Registration Office as~~
18 ~~the principal's designated lobbyist for expenditure reporting.~~
19 ~~A principal may appoint its first registered lobbyist as the~~
20 ~~designated lobbyist upon that lobbyist's registration and may~~
21 ~~change its designated lobbyist at any time.~~

22 (4) A lobbyist shall promptly send a notice to the
23 Lobbyist Registration Office, on forms furnished by the
24 Lobbyist Registration Office, cancelling the registration for
25 a principal upon termination of the lobbyist's representation
26 of that principal. A notice of cancellation takes effect the
27 day it is received by the Lobbyist Registration Office.
28 Notwithstanding this requirement, the Lobbyist Registration
29 Office may remove the name of a lobbyist from the list of
30 registered lobbyists if the principal notifies the Lobbyist
31 Registration Office that the lobbyist is no longer authorized

1 to represent that principal. Each lobbyist shall file an
2 expenditure report for each period during any portion of which
3 he or she was registered, and each principal shall ensure that
4 an expenditure report is filed for each period during any
5 portion of which the principal was represented by a registered
6 lobbyist.

7 (5) The Lobbyist Registration Office shall publish on
8 the first Monday of each regular session and weekly thereafter
9 through the end of that session a compilation of the names of
10 persons who have registered and the information contained in
11 their registrations.

12 (6) The Lobbyist Registration Office shall retain all
13 original documents submitted under this section.

14 (7) A person who is required to register under this
15 rule, or who chooses to register, shall be considered a
16 lobbyist of the Legislature for the purposes of sections
17 112.3148 and 112.3149, Florida Statutes, relating to the
18 reporting of and the prohibited receipt of gifts and
19 honoraria.

20
21 1.3--Registration Costs; Exemptions

22 (1) To cover the costs incurred in administering this
23 joint policy, each person who registers under Joint Senate and
24 House Rule 1.1 must pay an annual registration fee to the
25 Lobbyist Registration Office. The annual period runs from
26 January 1 to December 31. These fees must be paid at the time
27 of registration.

28 (2) The following persons are exempt from paying the
29 fee, provided they are designated in writing by the agency
30 head or person designated in this subsection:
31

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

3 (b) Two employees of the Fish and Wildlife
4 Conservation Commission ~~Game and Fresh Water Fish Commission.~~

5 (c) Two employees of the Executive Office of the
6 Governor.

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

8 (e) Two employees of the Florida Public Service
9 Commission.

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

12 (3) The annual fee is up to \$50 per each house for a
13 person to register to represent one principal and up to an
14 additional \$10 per house for each additional principal that
15 the person registers to represent. The amount of each fee
16 shall be established annually by the President of the Senate
17 and the Speaker of the House of Representatives. The fees set
18 shall be adequate to ensure operation of the lobbyist
19 registration and reporting operations of the Lobbyist
20 Registration Office. The fees collected by the Lobbyist
21 Registration Office under this joint policy shall be deposited
22 in the State Treasury and credited to the Legislative Lobbyist
23 Registration Trust Fund specifically to cover the costs
24 incurred in administering this joint policy.

25
26 1.4--Periodic Reports Required

27 (1) REPORTING DATES.--Each person who registers
28 pursuant to Joint Senate and House Rule 1.2 must submit to the
29 Lobbyist Registration Office, on forms provided by the
30 Lobbyist Registration Office and for each reporting period
31 required by this rule, a signed and certified statement

1 listing all lobbying expenditures during the reporting period
2 and the sources of funds for those expenditures as required in
3 this rule. Reporting statements shall be filed no later than
4 45 days after the end of the reporting period. ~~Unless a~~
5 ~~special session is called,~~ Only two reports are required each
6 calendar year. The first report shall disclose expenditures
7 made from January 1 through June 30 ~~the date of adjournment of~~
8 ~~the regular session of the Legislature, including an~~
9 ~~extension, if any.~~ The second report shall disclose
10 expenditures for July 1 through December 31 ~~the remainder of~~
11 ~~the calendar year. However, whenever the Legislature convenes~~
12 ~~in a special session, a separate, supplemental report is~~
13 ~~required which shall disclose all expenditures incurred during~~
14 ~~the period since the end of the period covered by the last~~
15 ~~previous report required to be filed through adjournment of~~
16 ~~that special session. Following adjournment of a special~~
17 ~~session for which a separate, supplemental report is required,~~
18 ~~the next report required to be filed shall disclose all~~
19 ~~expenditures incurred from the date of adjournment of that~~
20 ~~special session through the end of the reporting period~~
21 ~~applicable to that next required report.~~ It is the intent of
22 this rule that each reporting period be separate from the
23 ~~every~~ other reporting period and that each expenditure be
24 reported just once. In addition, any reporting statement may
25 be filed by electronic means, when feasible.

26 (2) TIMELINESS OF REPORTS.--Reports shall be filed not
27 later than 5 p.m. of the report due date. However, any report
28 that is postmarked by the United States Postal Service no
29 later than midnight of the due date shall be deemed to have
30 been filed in a timely manner. A certificate of mailing
31 obtained from and dated by the United States Postal Service at

1 the time of the mailing, or a receipt from an established
2 courier company which bears a date on or before the due date,
3 shall be proof of mailing in a timely manner.

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

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

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

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

27 (d) When there are multiple lobbyists, only the
28 designated lobbyist is to report expenditures made directly by
29 the principal. When there are multiple lobbyists, only
30 unduplicated amounts should be reported for expenditures
31

1 initiated or expended by the lobbyist and paid for by the
2 principal.

3 (e) The principal is responsible for the accuracy of
4 the figures submitted to the lobbyist for reporting, and the
5 lobbyist is responsible for the accuracy of the figures
6 reported as lobbying expenditures made by that lobbyist. The
7 principal shall sign the expenditure report submitted by the
8 principal's sole or designated lobbyist.

9 (4) EXPENDITURES.--

10 (a) Definitions.--

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

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

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

1 grandchild, great grandchild, step grandparent, step great
2 grandparent, step grandchild, or step great grandchild; any
3 person who is engaged to be married to the member or employee
4 or who otherwise holds himself or herself out as or is
5 generally known as the person whom the member or employee
6 intends to marry or with whom the member or employee intends
7 to form a household; or any other natural person having the
8 same legal residence as the member or employee.

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

17 1.a. "Communications" means dissemination of
18 information, including, but not limited to, by means of the
19 following:

20 I. Audio-visual materials; and

21 II. Signs, placards, banners, buttons, promotional
22 materials, and other display materials;

23

24 together with any associated production services.

25 b. This category does not include media advertising,
26 publications, or research.

27 2. "Entertainment" means amusement or recreation,
28 including, but not limited to, sporting, hunting, fishing,
29 theatrical, artistic, cultural, and musical activities or
30 events.

31

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

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

6 5. "Media Advertising" means newspaper and magazine
7 advertising, radio and television advertising, and outdoor
8 advertising, including production services and copyrighting
9 services.

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

14 7. "Publications" means mass-produced, printed
15 materials, including, but not limited to, magazines,
16 newsletters, brochures, or pamphlets, which expressly
17 encourage persons to communicate with members or employees of
18 the Legislature to influence the official actions of members
19 or employees of the Legislature or which are designed to
20 communicate with members or employees of the Legislature.

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

27 9. "Special Events" means large-scale occurrences,
28 including, but not limited to, receptions, banquets, dinners,
29 or legislative days, to which more than 250 persons are
30 invited and for which the expenditures associated with hosting
31 the occurrence are negotiated with a catering service or

1 facility at a single, set price or which include multiple
2 expenditure categories.

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

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

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

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

29 3. If an expense is incurred for a nonlobbying
30 business purpose and the product of that expense is later used
31

1 for a lobbying purpose, a reportable expenditure is not
2 created.

3 (e) Valuation of expenditures.--

4 1. In calculating the amount of aggregate
5 expenditures, a lobbyist or principal may, prior to prorating,
6 round each entry up or down to the nearest \$5. A record is not
7 required to be maintained for any amount that rounds to zero.

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

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

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

30 5. The amount reported as an expenditure shall not
31 include the amount of any additional expenses that are

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

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

19 7. A person providing lodging in a private residence
20 shall be considered to be making an expenditure of \$29 per
21 night.

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

25 (5) AGGREGATION OF EXPENDITURE FIGURES.--For each
26 reporting period, the Lobbyist Registration Office shall
27 aggregate the expenditures reported by all of the lobbyists
28 for a principal represented by more than one lobbyist.
29 Following the last report for each calendar year, the Lobbyist
30 Registration Office shall provide a total of expenditures
31

1 reported as spent by and on behalf of each principal for that
2 calendar year.

3
4 1.5--Penalties for Late Filing

5 (1) Upon determining that a report is late, the person
6 designated to review the timeliness of reports shall
7 immediately notify the lobbyist as to the failure to timely
8 file the report and that a fine is being assessed for each
9 late day. The fine shall be \$50 per day per report for each
10 late day, not to exceed \$5,000 per report.

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

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

16 (b) When the report is postmarked;

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

18 (d) When the receipt from an established courier
19 company is dated.

20 (3) Such fine shall be paid within 30 ~~20~~ days after
21 ~~receipt of~~ the notice of payment due is transmitted by the
22 Lobbyist Registration Office, unless appeal is made to the
23 Lobbyist Registration Office. The moneys shall be deposited
24 into the Legislative Lobbyist Registration Trust Fund.

25 (4) A fine shall not be assessed against a lobbyist
26 the first time any reports for which the lobbyist is
27 responsible are not timely filed. However, to receive this
28 one-time fine waiver, all reports for which the lobbyist is
29 responsible must be filed within 30 ~~20~~ days after ~~receipt of~~
30 notice that any reports have not been timely filed is

31

1 transmitted by the Lobbyist Registration Office. A fine shall
2 be assessed for any subsequent late-filed reports.

3 (5) A lobbyist, a lobbyist's legal representative, or
4 the principal of a lobbyist may request that the filing of an
5 expenditure report be waived upon good cause shown, based on
6 unusual circumstances. The request must be filed with the
7 General Counsel of the Office of Legislative Services, who
8 shall make a recommendation concerning the waiver request to
9 the President of the Senate and the Speaker of the House of
10 Representatives. The President of the Senate and the Speaker
11 of the House of Representatives may grant or deny the request.
12 The registration of a lobbyist who fails to timely pay a fine
13 is automatically suspended until the fine is paid or waived.

14 (6)(5) The person designated to review the timeliness
15 of reports shall notify the director of the division of the
16 failure of a lobbyist to file a report after notice or of the
17 failure of a lobbyist to pay the fine imposed.

18
19 1.6--Appeal of Fines; Hearings; Unusual Circumstances

20 (1) A lobbyist wishing to appeal or dispute a fine
21 imposed in accordance with Joint Senate and House Rule 1.5
22 shall file with the Lobbyist Registration Office a notice of
23 appeal within 30 ~~20~~ days after the ~~date of receipt of the~~
24 notice of payment due is transmitted by the Lobbyist
25 Registration Office, setting out with specificity the unusual
26 circumstances surrounding the failure to file on the
27 designated due date. A request for a hearing on the matter
28 before the General Counsel of the Office of Legislative
29 Services must be made within the same 30-day ~~20-day~~ period.
30 The notice of appeal may be accompanied by any documentation
31 or evidence supporting the claim. Failure to timely file a

1 notice of appeal as described in this subsection shall
2 constitute a waiver of the right to appeal or to dispute a
3 fine.

4 (2) The President of the Senate and the Speaker of the
5 House of Representatives may waive the fine in whole or in
6 part for good cause shown based on the unusual circumstances
7 presented by the lobbyist.

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

12 (4) The Department of Banking and Finance shall
13 collect any fine that is not timely paid.

14
15 1.7--Questions Regarding Registration

16 (1) A person may request in writing an informal
17 opinion from the general counsel of the Office of Legislative
18 Services as to the application of this rule to a specific
19 situation. The general counsel shall issue the opinion within
20 10 days after receiving the request. The informal opinion may
21 be relied upon by the person who requested the informal
22 opinion. A copy of each informal opinion which is issued shall
23 be provided to the presiding officer of each house. The
24 committees designated under section 11.045(4), Florida
25 Statutes, may revise any informal opinion rendered by the
26 general counsel through an advisory opinion to the person who
27 requested the informal opinion. The advisory opinion shall
28 supersede the informal opinion as of the date the advisory
29 opinion is issued.

30 (2) Persons in doubt about the applicability or
31 interpretation of this rule may submit in writing the facts

1 for an advisory opinion to the committee of either house
2 designated pursuant to section 11.045(4), Florida Statutes,
3 and may appear in person before the committee in accordance
4 with section 11.045(4), Florida Statutes.

5
6 1.8--Open Records

7 All of the lobbyist registration and expenditure
8 reports received by the Lobbyist Registration Office shall be
9 available for public inspection and for duplication at
10 reasonable cost.

11
12 1.9--Records Retention and Inspection

13 Each lobbyist and each principal shall preserve for a
14 period of 4 years all accounts, bills, receipts, computer
15 records, books, papers, and other documents and records
16 necessary to substantiate lobbying expenditures. Upon receipt
17 of a complaint based upon the personal knowledge of the
18 complainant made pursuant to the Senate Rules or Rules of the
19 House of Representatives, any such documents and records may
20 be inspected when authorized by the President of the Senate or
21 the Speaker of the House of Representatives, as applicable.
22 The person authorized to perform the inspection shall be
23 designated in writing and shall be a member of The Florida Bar
24 or a certified public accountant licensed in Florida. Any
25 information obtained by such an inspection may only be used
26 for purposes authorized by law, this rule, Senate Rules, or
27 Rules of the House of Representatives, which purposes may
28 include the imposition of sanctions against a person subject
29 to this rule or Senate Rules or the Rules of the House of
30 Representatives. Any employee who uses that information for an
31 unauthorized purpose is subject to discipline. Any member who

1 uses that information for an unauthorized purpose is subject
2 to discipline under the applicable rules of each house. The
3 right of inspection may be enforced by appropriate writ issued
4 by any court of competent jurisdiction.

5 JOINT RULE FOUR

6 JOINT LEGISLATIVE AUDITING COMMITTEE

7
8 4.1--Responsibilities

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

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

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

26 (3)(4) The committee shall submit to the President of
27 the Senate and the Speaker of the House of Representatives,
28 for approval, an estimate of the financial needs of the
29 committee, the Auditor General, ~~and~~ the Office of Program
30 Policy Analysis and Government Accountability, and the Public
31 Counsel.

1 (4) The committee and the units it oversees, including
2 the Auditor General, the Office of Program Policy Analysis and
3 Government Accountability, and the Public Counsel, shall
4 submit their budget requests and operating budgets to the
5 President of the Senate and the Speaker of the House of
6 Representatives for prior written approval by the presiding
7 officers acting together.

8 (5) The committee may receive requests for audits and
9 reviews from legislators. Staff of the committee shall review
10 each request and make a recommendation to the committee
11 concerning its disposition. The manner of disposition
12 recommended may be:

13 (a) Assignment to the Auditor General for inclusion in
14 a regularly scheduled agency audit;

15 (b) Assignment to the Auditor General for special
16 audit or review;

17 (c) Assignment to the Office of Program Policy
18 Analysis and Government Accountability for inclusion in a
19 regularly scheduled performance audit;

20 (d) Assignment to the Office of Program Policy
21 Analysis and Government Accountability for special audit or
22 review;

23 (e) Assignment to committee staff; or

24 (f) Rejection as being an unnecessary or inappropriate
25 application of legislative resources.

26 ~~(6)~~⁽⁵⁾ The committee may at any time, without regard
27 to whether the Legislature is in session, take under
28 investigation any matter within the scope of an audit either
29 completed or then being conducted by the Auditor General or
30 the Office of Program Policy Analysis and Government
31 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 (7)~~(6)~~ The committee shall review the performance of
4 the 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.~~

29 JOINT RULE FIVE

30 AUDITOR GENERAL

1 5.1--Rulemaking authority

2 The Auditor General shall make and enforce reasonable
3 rules and regulations necessary to facilitate audits that
4 ~~which~~ he or she is authorized to perform.

5
6 5.2--Budget and accounting

7 (1) The Auditor General shall prepare and submit
8 annually to the President of the Senate and the Speaker of the
9 House of Representatives for their joint approval ~~Joint~~
10 ~~Legislative Auditing Committee~~ a proposed budget for the
11 ensuing fiscal year. ~~The committee shall review the budget~~
12 ~~request and may amend or change the budget request as it deems~~
13 ~~necessary. The budget request, as amended or changed by the~~
14 ~~committee, shall become the operating budget of the Auditor~~
15 ~~General for the ensuing fiscal year; provided that the budget~~
16 ~~so adopted may subsequently be amended under the same~~
17 ~~procedure.~~

18 (2) Within the limitations of the approved operating
19 budget, the salaries and expenses of the Auditor General and
20 the staff of the Auditor General shall be paid from the
21 appropriation for legislative expense or any other moneys
22 appropriated by the Legislature for that purpose. The Auditor
23 General shall approve all bills for salaries and expenses for
24 his or her staff, ~~except expenses of members of the~~
25 ~~Legislative Auditing Committee~~, before the same shall be paid.

26
27 5.3--Audit report distribution

28 (1) A copy of each audit report shall be submitted to
29 the Governor, to the Comptroller, and to the officer or person
30 in charge of the state agency or political subdivision
31 audited. One copy shall be filed as a permanent public record

1 in the office of the Auditor General. In the case of county
2 reports, one copy of the report of each county office, school
3 district, or other district audited shall be submitted to the
4 board of county commissioners of the county in which the audit
5 was made and shall be filed in the office of the clerk of the
6 circuit court of that county as a public record. When an audit
7 is made of the records of the district school board, a copy of
8 the audit report shall also be filed with the district school
9 board, and thereupon such report shall become a part of the
10 public records of such board.

11 (2) A copy of each audit report shall be made
12 available to each member of the Legislative Auditing
13 Committee.

14 (3) The Auditor General shall transmit a copy of each
15 audit report to the appropriate substantive and fiscal
16 committees of the Senate and House of Representatives.

17 (4)~~(3)~~ Other copies may be furnished to other persons
18 who, ~~as~~ in the opinion of the Auditor General, are ~~may be~~
19 directly interested in the audit or who ~~may~~ have a ~~some~~ duty
20 to perform in connection therewith.

21 (5) The Auditor General shall transmit to the
22 President of the Senate and the Speaker of the House of
23 Representatives, by December 1 of each year, a list of
24 statutory and fiscal changes recommended by audit reports. The
25 recommendations shall be presented in two categories: one
26 addressing substantive law and policy issues and the other
27 addressing budget issues. The Auditor General may also
28 transmit recommendations at other times of the year when the
29 information would be timely and useful for the Legislature.

30 JOINT RULE SIX

31 OFFICE OF PROGRAM POLICY

1 ANALYSIS AND GOVERNMENT ACCOUNTABILITY

2
3 6.1--Responsibilities of the director

4 (1) The director may adopt and enforce reasonable
5 rules necessary to facilitate the studies, reviews, and
6 reports that the office is authorized to perform.

7 ~~(2) The director, with the consent of the Legislative~~
8 ~~Auditing Committee, may enter into contracts on behalf of the~~
9 ~~Office of Program Policy Analysis and Government~~
10 ~~Accountability.~~

11 (2)(3) The director shall prepare and submit annually
12 to the President of the Senate and the Speaker of the House of
13 Representatives for their joint approval the annual projected
14 work plan of the office in conjunction with ~~Legislative~~
15 ~~Auditing Committee~~ a proposed operating budget for the ensuing
16 fiscal year. ~~The committee shall review the budget request and~~
17 ~~may amend or change the budget request as it deems necessary.~~
18 ~~The budget request shall become the operating budget of the~~
19 ~~Office of Program Policy Analysis and Government~~
20 ~~Accountability for the ensuing fiscal year; provided that the~~
21 ~~budget so adopted may subsequently be amended under the same~~
22 ~~procedure.~~

23 (3)(4) Within the monetary limitations of the approved
24 operating budget, the salaries and expenses of the director
25 and the staff of the Office of Program Policy Analysis and
26 Government Accountability shall be paid from the appropriation
27 for legislative expense or any other moneys appropriated by
28 the Legislature for that purpose. The director shall approve
29 all bills for salaries and expenses before the same shall be
30 paid.

31

1 (4) Within the monetary limitations of the approved
2 operating budget, the director shall make all spending
3 decisions, including entering into contracts on behalf of the
4 Office of Program Policy Analysis and Government
5 Accountability.

6 (5) The director shall transmit to the President of
7 the Senate and the Speaker of the House of Representatives, by
8 December 1 of each year, a list of statutory and fiscal
9 changes recommended by office reports. The recommendations
10 shall be presented in two categories: one addressing
11 substantive law and policy issues and the other addressing
12 budget issues. The director may also transmit recommendations
13 at other times of the year when the information would be
14 timely and useful for the Legislature.

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