

By the Committee on Rules; and Senator King

595-2045-07

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Senate Concurrent Resolution

A concurrent resolution adopting the Joint Rules of the Florida Legislature and amending Joint Rule One, relating to lobbyist registration and compensation reporting, and Joint Rule Seven, relating to the organization and duties of the Legislative Budget Commission.

WHEREAS, chapter 2005-359, Laws of Florida, established lobbyist compensation reporting, and further provided for electronic filing of compensation reports and other information effective April 1, 2007, and

WHEREAS, in the 2006 general election, the electors of Florida amended Section 19 of Article III of the Constitution of Florida to create within the Legislature the Joint Legislative Budget Commission, and

WHEREAS, Section 19, as so amended, provides that the Joint Legislative Budget Commission shall be governed by the Joint Rules of the Senate and the House of Representatives, NOW, THEREFORE,

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

That the Joint Rules of the Florida Legislature are revised and readopted to read as follows:

JOINT RULES
JOINT RULE ONE
LOBBYIST REGISTRATION AND COMPENSATION REPORTING

1 1.1--Those Required to Register; Exemptions; Committee
2 Appearance Records

3 (1) All lobbyists before the Florida Legislature must
4 register with the Lobbyist Registration Office in the Division
5 of Legislative Information Services of the Office of
6 Legislative Services. Registration is required for each
7 principal represented.

8 (2) As used in Joint Rule One, unless the context
9 otherwise requires:

10 (a) "Compensation" means payment, distribution, loan,
11 advance, reimbursement, deposit, salary, fee, retainer, or
12 anything of value provided or owed to a lobbying firm,
13 directly or indirectly, by a principal for any lobbying
14 activity.

15 (b) "Division" means the Division of Legislative
16 Information Services within the Office of Legislative
17 Services.

18 (c) "Legislative action" means introduction,
19 sponsorship, testimony, debate, voting, or any other official
20 action on any measure, resolution, amendment, nomination,
21 appointment, or report of, or any matter that may be the
22 subject of action by, either house of the Legislature or any
23 committee thereof.

24 (d) "Lobby" or "lobbying" means influencing or
25 attempting to influence legislative action or nonaction
26 through oral or written communication or an attempt to obtain
27 the goodwill of a member or employee of the Legislature.

28 (e) "Lobbying firm" means any business entity,
29 including an individual contract lobbyist, that receives or
30 becomes entitled to receive any compensation for the purpose
31 of lobbying, and where any partner, owner, officer, or

1 employee of the business entity is a lobbyist. "Lobbying firm"
2 does not include an entity that has employees who are
3 lobbyists if the entity does not derive compensation from
4 principals for lobbying, or such compensation is received
5 exclusively from a subsidiary or affiliate corporation of the
6 employer. As used in this paragraph, an affiliate corporation
7 is a corporation that directly or indirectly shares the same
8 ultimate parent corporation as the employer and does not
9 receive compensation for lobbying from any unaffiliated
10 entity.

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

30
31

1 (g) "Payment" or "salary" means wages or any other
2 consideration provided in exchange for services, but does not
3 include reimbursement for expenses.

4 (h) "Principal" means the person, firm, corporation,
5 or other entity that has employed or retained a lobbyist. When
6 an association has employed or retained a lobbyist, the
7 association is the principal; the individual members of the
8 association are not principals merely because of their
9 membership in the association.

10 (i) "Unusual circumstances," with respect to any
11 failure of a person to satisfy a filing requirement, means
12 uncommon, rare, or sudden events over which the person has no
13 control and which directly result in the failure to satisfy
14 the filing requirement.

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

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

19 (b) An appearance in response to a legislative
20 subpoena.

21 (c) Advice or services that arise out of a contractual
22 obligation with the Legislature, a member, a committee, any
23 staff, or any legislative entity to render the advice or
24 services where such obligation is fulfilled through the use of
25 public funds.

26 (d) Representation of a client before the House of
27 Representatives or the Senate, or any member or committee
28 thereof, when the client is subject to disciplinary action by
29 the House of Representatives or the Senate, or any member or
30 committee thereof.

31

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

3 (a) A member of the Legislature.

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

5 (c) A judge who is acting in that judge's official
6 capacity.

7 (d) A person who is a state officer holding elective
8 office or an officer of a political subdivision of the state
9 holding elective office and who is acting in that officer's
10 official capacity.

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

14 (f) A person employed by any executive or judicial
15 department of the state or any community college of the state
16 who makes a personal appearance or attendance before the House
17 of Representatives or the Senate, or any member or committee
18 thereof, while that person is on approved leave or outside
19 normal working hours, and who does not otherwise meet the
20 definition of lobbyist.

21 (5) When a person, whether or not the person is
22 registered as a lobbyist, appears before a committee of the
23 Legislature, that person must submit a Committee Appearance
24 Record as required by the respective house.

25 1.2--Method of Registration

26 (1) Each person who is required to register must
27 register on forms furnished by the Lobbyist Registration
28 Office, on which that person must state, under oath, that
29 person's full legal name, business address, and telephone
30 number, the name and business address of each principal that
31 person represents, and the extent of any direct business

1 | association or partnership that person has with any member of
2 | the Legislature. In addition, if the lobbyist is a partner,
3 | owner, officer, or employee of a lobbying firm, the lobbyist
4 | must state the name, address, ~~Federal Employer's~~
5 | ~~Identification Number (FEIN), contact name,~~ and telephone
6 | number of each lobbying firm to which the lobbyist belongs.
7 | The Lobbyist Registration Office or its designee is authorized
8 | to acknowledge the oath of any person who registers in person.
9 | Any changes to the information provided in the registration
10 | form must be reported to the Lobbyist Registration Office in
11 | writing within 15 days on forms furnished by the Lobbyist
12 | Registration Office.

13 | (2) Any person required to register must do so with
14 | respect to each principal prior to commencement of lobbying on
15 | behalf of that principal. At the time of registration, the
16 | registrant shall provide a statement on a form provided by the
17 | Lobbyist Registration Office, signed by the principal or
18 | principal's representative, that the registrant is authorized
19 | to represent the principal. On the authorization statement the
20 | principal or principal's representative shall also identify
21 | and designate the principal's main business pursuant to a
22 | classification system approved by the Office of Legislative
23 | Services that shall be the North American Industry
24 | Classification System (NAICS) six-digit numerical code that
25 | most accurately describes the principal's main business.

26 | (3) Any person required to register must renew the
27 | registration annually for each calendar year.

28 | (4) A lobbyist shall promptly send a notice to the
29 | Lobbyist Registration Office, on forms furnished by the
30 | Lobbyist Registration Office, canceling the registration for a
31 | principal upon termination of the lobbyist's representation of

1 that principal. A notice of cancellation takes effect the day
2 it is received by the Lobbyist Registration Office.
3 Notwithstanding this requirement, the Lobbyist Registration
4 Office may remove the name of a lobbyist from the list of
5 registered lobbyists if the principal notifies the Lobbyist
6 Registration Office that the lobbyist is no longer authorized
7 to represent that principal.

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

13 ~~(5)(6)~~ The Lobbyist Registration Office shall retain
14 all original registration documents submitted under this rule.

15 ~~(6)(7)~~ A person who is required to register under this
16 rule, or who chooses to register, shall be considered a
17 lobbyist of the Legislature for the purposes of sections
18 11.045, 112.3148, and 112.3149, Florida Statutes.

19 1.3--Registration Costs; Exemptions

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

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

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

31

1 (b) Two employees of the Fish and Wildlife
2 Conservation Commission.

3 (c) Two employees of the Executive Office of the
4 Governor.

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

6 (e) Two employees of the Florida Public Service
7 Commission.

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

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

23 1.4--Reporting of Lobbying Firm Compensation

24 (1)(a) Each lobbying firm shall file a compensation
25 report with the division for each calendar quarter during any
26 portion of which one or more of the firm's lobbyists were
27 registered to represent a principal. The report shall include
28 the:

29 1. Full name, business address, and telephone number
30 of the lobbying firm;
31

1 2. Registration name of each of the firm's lobbyists;
2 and

3 3. Total compensation provided or owed to the lobbying
4 firm from all principals for the reporting period, reported in
5 one of the following categories: \$0; \$1 to \$49,999; \$50,000
6 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999;
7 \$500,000 to \$999,999; \$1 million or more.

8 (b) For each principal represented by one or more of
9 the firm's lobbyists, the lobbying firm's compensation report
10 shall also include the:

11 1. Full name, business address, and telephone number
12 of the principal; and

13 2. Total compensation provided or owed to the lobbying
14 firm for the reporting period, reported in one of the
15 following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999;
16 \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or
17 \$50,000 or more. If the category "\$50,000 or more" is
18 selected, the specific dollar amount of compensation must be
19 reported, rounded up or down to the nearest \$1,000.

20 (c) If the lobbying firm subcontracts work from
21 another lobbying firm and not from the original principal:

22 1. The lobbying firm providing the work to be
23 subcontracted shall be treated as the reporting lobbying
24 firm's principal for reporting purposes under this paragraph;
25 and

26 2. The reporting lobbying firm shall, for each
27 lobbying firm identified as the reporting lobbying firm's
28 principal under paragraph (b), identify the name and address
29 of the principal originating the lobbying work.

30 (d) The senior partner, officer, or owner of the
31 lobbying firm shall certify to the veracity and completeness

1 of the information submitted pursuant to this Rule 1.4, and
2 certify that no compensation has been omitted from this report
3 by deeming such compensation as "consulting services," "media
4 services," "professional services," or anything other than
5 compensation, and certify that no officer or employee of the
6 firm has made an expenditure in violation of section 11.045,
7 Florida Statutes, as amended by chapter 2005-359, Laws of
8 Florida.

9 (2) For each principal represented by more than one
10 lobbying firm, the division shall aggregate the
11 reporting-period and calendar-year compensation reported as
12 provided or owed by the principal. Compensation reported
13 within a category shall be aggregated as follows: the
14 ~~arithmetic mean of the category.~~

<u>Category (dollars)</u>	<u>Dollar amount to use aggregating</u>
<u>0</u>	<u>\$ 0</u>
<u>1-9,999</u>	<u>5,000</u>
<u>10,000-19,999</u>	<u>15,000</u>
<u>20,000-29,999</u>	<u>25,000</u>
<u>30,000-39,999</u>	<u>35,000</u>
<u>40,000-49,999</u>	<u>45,000</u>
<u>\$50,000 or more</u>	<u>Actual amount reported</u>

24
25 (3) The reporting statements shall be filed no later
26 than 45 days after the end of each reporting period. The four
27 reporting periods are from January 1 through March 31, April 1
28 through June 30, July 1 through September 30, and October 1
29 through December 31, respectively. The statements shall be
30 rendered in the identical form provided by the respective
31 houses and shall be open to public inspection. Effective April

1 1, 2007, reporting statements shall ~~may~~ be filed by electronic
2 means through the electronic filing system developed by the
3 division, conforming to subsection (4), ~~when feasible.~~

4 (4) The electronic filing system for compensation
5 reporting shall include the following:

6 (a) As used in this rule, the term "electronic filing
7 system" means an Internet system for recording and reporting
8 lobbying compensation and other required information by
9 reporting period.

10 (b) A report filed pursuant to this Rule 1.4 must be
11 completed and filed through the electronic filing system not
12 later than 11:59 p.m. of the day designated in subsection (3).
13 A report not filed by 11:59 p.m. of the day designated is a
14 late-filed report and is subject to the penalties under Rule
15 1.5(1).

16 (c) Each person given secure sign-on credentials to
17 file via the electronic filing system is responsible for
18 protecting the credentials from disclosure and is responsible
19 for all filings made by use of such credentials, unless and
20 until the division is notified that the person's credentials
21 have been compromised. Each report filed by electronic means
22 pursuant to this section shall be deemed certified in
23 accordance with paragraph (1)(d) by the person given the
24 secure sign-on credentials and, as such, subjects the person
25 and the lobbying firm to the provisions of s. 11.045(8),
26 Florida Statutes, as well as any discipline provided under the
27 rules of the Senate or House of Representatives.

28 (d) The electronic filing system shall:

29 1. Be based on access by means of the Internet.

30 2. Be accessible by anyone with Internet access using
31 standard web-browsing software.

1 3. Provide for direct entry of compensation-report
2 information as well as upload of such information from
3 software authorized by the division.

4 4. Provide a method that prevents unauthorized access
5 to electronic filing system functions.

6 5. Provide for the issuance of an electronic receipt
7 to the person submitting the report indicating and verifying
8 the date and time that the report was filed.

9 (5) The division shall provide reasonable public
10 notice of the electronic filing procedures and of any
11 significant changes in such procedures. In the event that the
12 President of the Senate and the Speaker of the House of
13 Representatives jointly declare the electronic system to be
14 not operable, the reports shall be filed in the manner
15 required prior to April 1, 2007, unless the President of the
16 Senate and the Speaker of the House of Representatives direct
17 use of an alternate means of reporting. The division shall
18 develop and maintain such alternative means as may be
19 practicable. Public notice of changes in filing procedures and
20 any declaration or direction of the President of the Senate
21 and the Speaker of the House of Representatives may be
22 provided by publication for a continuous period of reasonable
23 time on one or more Internet websites maintained by the Senate
24 and the House of Representatives.

25 (6)(4) Prior to April 1, 2007, reports must ~~shall~~ be
26 filed no later than 5 p.m. of the report due date. However,
27 any report that is postmarked by the United States Postal
28 Service no later than ~~midnight~~ of the due date shall be deemed
29 to have been filed in a timely manner, and a certificate of
30 mailing obtained from and dated by the United States Postal
31 Service at the time of the mailing, or a receipt from an

1 established courier company that bears a date on or before the
2 due date, shall be proof of mailing in a timely manner.

3 1.5--Failure to File Timely Compensation Report; Notice
4 and Assessment of Fines; Appeals

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

11 (2)(a) Effective April 1, 2007, upon receipt of the
12 report, the person designated to review the timeliness of
13 reports shall determine the amount of the fine based on when
14 the report is actually received by the division or when the
15 electronic receipt issued by the electronic filing system is
16 dated, whichever is earlier.

17 (b) Prior to April 1, 2007, upon receipt of the
18 report, the person designated to review the timeliness of
19 reports shall determine the amount of the fine due based upon
20 the earliest of the following:

21 ~~1.(a)~~ When a report is actually received by the
22 division.

23 ~~2.(b)~~ When the report is postmarked.

24 ~~3.(c)~~ When the certificate of mailing is dated.

25 ~~4.(d)~~ When the receipt from an established courier
26 company is dated.

27 (3) Such fine shall be paid within 30 days after the
28 notice of payment due is transmitted by the person designated
29 to review the timeliness of reports, unless appeal is made to
30 the division. The moneys shall be deposited into the
31 Legislative Lobbyist Registration Trust Fund.

1 (4) A fine shall not be assessed against a lobbying
2 firm the first time the report for which the lobbying firm is
3 responsible is not timely filed. However, to receive the
4 one-time fine waiver, the report for which the lobbying firm
5 is responsible must be filed within 30 days after notice that
6 the report has not been timely filed is transmitted by the
7 person designated to review the timeliness of reports. A fine
8 shall be assessed for any subsequent late-filed reports.

9 (5) Any lobbying firm may appeal or dispute a fine,
10 based upon unusual circumstances surrounding the failure to
11 file on the designated due date, and may request and shall be
12 entitled to a hearing before the General Counsel of the Office
13 of Legislative Services, who shall recommend to the President
14 of the Senate and the Speaker of the House of Representatives,
15 or their respective designees, that the fine be waived in
16 whole or in part for good cause shown. The President of the
17 Senate and the Speaker of the House of Representatives, or
18 their respective designees, may by joint agreement concur in
19 the recommendation and waive the fine in whole or in part. Any
20 such request shall be made within 30 days after the notice of
21 payment due is transmitted by the person designated to review
22 the timeliness of reports. In such case, the lobbying firm
23 shall, within the 30-day period, notify the person designated
24 to review the timeliness of reports in writing of his or her
25 intention to request a hearing.

26 (6) A lobbying firm may request that the filing of a
27 report be waived upon good cause shown, based on unusual
28 circumstances. The request must be filed with the General
29 Counsel of the Office of Legislative Services, who shall make
30 a recommendation concerning the waiver request to the
31 President of the Senate and the Speaker of the House of

1 Representatives. The President of the Senate and the Speaker
2 of the House of Representatives may, by joint agreement, grant
3 or deny the request.

4 (7)(a) All lobbyist registrations for lobbyists who
5 are partners, owners, officers, or employees of a lobbying
6 firm that fails to timely pay a fine are automatically
7 suspended until the fine is paid or waived, and the division
8 shall promptly notify all affected principals and the
9 President of the Senate and the Speaker of the House of
10 Representatives of any suspension or reinstatement. All
11 lobbyists who are partners, owners, officers, or employees of
12 a lobbying firm are jointly and severally liable for any
13 outstanding fine owed by a lobbying firm.

14 (b) No such lobbyist may be reinstated in any capacity
15 representing any principal until the fine is paid or until the
16 fine is waived as to that lobbyist. A suspended lobbyist may
17 request a waiver upon good cause shown, based on unusual
18 circumstances. The request must be filed with the General
19 Counsel of the Office of Legislative Services who shall, as
20 soon as practicable, make a recommendation concerning the
21 waiver request to the President of the Senate and the Speaker
22 of the House of Representatives. The President of the Senate
23 and the Speaker of the House of Representatives may, by joint
24 agreement, grant or deny the request.

25 (8) The person designated to review the timeliness of
26 reports shall notify the director of the division of the
27 failure of a lobbying firm to file a report after notice or of
28 the failure of a lobbying firm to pay the fine imposed.

29 1.6--Open Records; Internet Publication of
30 Registrations and Compensation Reports

31

1 (1) All of the lobbyist registration forms and
2 compensation reports received by the Lobbyist Registration
3 Office shall be available for public inspection and for
4 duplication at reasonable cost.

5 (2) The division shall make information filed pursuant
6 to Rules 1.2 and 1.4 reasonably available on the Internet in
7 an easily understandable and accessible format. The Internet
8 website shall include, but not be limited to, the names and
9 business addresses of lobbyists, lobbying firms, and
10 principals, the affiliations between lobbyists and principals,
11 and the classification system designated and identified with
12 respect to principals pursuant to Rule 1.2.

13 1.7--Records Retention and Inspection and Complaint
14 Procedure

15 (1) Each lobbying firm and each principal shall
16 preserve for a period of 4 years all accounts, bills,
17 receipts, computer records, books, papers, and other documents
18 and records necessary to substantiate compensation reports.

19 (2) Upon receipt of a complaint based upon the
20 personal knowledge of the complainant made pursuant to the
21 Senate Rules or Rules of the House of Representatives, any
22 such documents and records may be inspected when authorized by
23 the President of the Senate or the Speaker of the House of
24 Representatives, as applicable. The person authorized to
25 perform the inspection shall be designated in writing and
26 shall be a member of The Florida Bar or a certified public
27 accountant licensed in Florida. Any information obtained by
28 such an inspection may only be used for purposes authorized by
29 law, this Joint Rule One, Senate Rules, or Rules of the House
30 of Representatives, which purposes may include the imposition
31 of sanctions against a person subject to this rule or Senate

1 Rules or the Rules of the House of Representatives. Any
2 employee who uses that information for an unauthorized purpose
3 is subject to discipline. Any member who uses that information
4 for an unauthorized purpose is subject to discipline under the
5 applicable rules of each house.

6 (3) The right of inspection may be enforced by
7 appropriate writ issued by any court of competent
8 jurisdiction.

9 1.8--Questions Regarding Interpretation of this Joint
10 Rule One

11 (1) A person may request in writing an informal
12 opinion from the General Counsel of the Office of Legislative
13 Services as to the application of this Joint Rule One to a
14 specific situation. The General Counsel shall issue the
15 opinion within 10 days after receiving the request. The
16 informal opinion may be relied upon by the person who
17 requested the informal opinion. A copy of each informal
18 opinion that is issued shall be provided to the presiding
19 officer of each house. A committee of either house designated
20 pursuant to section 11.045(5), Florida Statutes, may revise
21 any informal opinion rendered by the General Counsel through
22 an advisory opinion to the person who requested the informal
23 opinion. The advisory opinion shall supersede the informal
24 opinion as of the date the advisory opinion is issued.

25 (2) Persons in doubt about the applicability or
26 interpretation of this Joint Rule One may submit in writing
27 the facts for an advisory opinion to the committee of either
28 house designated pursuant to section 11.045(5), Florida
29 Statutes, and may appear in person before the committee in
30 accordance with section 11.045(5), Florida Statutes.

31 1.9--Effect of Readoption and Revision

1 (2) If a bill is returned to the house in which the
2 bill originated and the originating house does not concur in
3 all the amendments or adds additional amendments, no further
4 action shall be taken on the bill by the nonoriginating house,
5 and a conference committee shall be established by operation
6 of this rule to consider the bill.

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

11 (4) A copy of the bill, a copy of the bill with
12 amendments adopted by the nonoriginating house, or the
13 conference committee report shall be furnished to each member
14 of the Legislature, the Governor, the Chief Justice of the
15 Supreme Court, and each member of the Cabinet. Copies for the
16 Governor, Chief Justice and members of the Cabinet shall be
17 furnished to the official's office in the Capitol or Supreme
18 Court Building. A member's copy shall be furnished to the
19 member's desk in the appropriate chamber. The Secretary of the
20 Senate shall be responsible for furnishing copies under this
21 rule for Senate bills, House bills as amended by the Senate,
22 and conference committee reports on Senate bills. The Clerk of
23 the House shall be responsible for furnishing copies under
24 this rule for House bills, Senate bills as amended by the
25 House, and conference committee reports on House bills.

26 (5) The 72-hour public review period shall begin to
27 run upon completion of the furnishing of copies required to be
28 provided herein. The Speaker of the House and the President of
29 the Senate, as appropriate, shall be informed of the
30 completion time and such time shall be announced on the floor
31 prior to vote on final passage in each house and shall be

1 entered in the journal of each house. Saturdays, Sundays, and
2 holidays shall be included in the computation under this rule.

3 2.2--General Appropriations Bill; Definition

4 For the purposes of Joint Rule 2, the term "general
5 appropriations bill" means a bill which provides for the
6 salaries of public officers and other current expenses of the
7 state and contains no subject other than appropriations. A
8 bill which contains appropriations which are incidental and
9 necessary solely to implement a substantive law is not
10 included within this term.

11 JOINT RULE THREE

12 LEGISLATIVE SUPPORT SERVICES

13 3.1--Organizational Structure

14 The Legislature shall be supported by the Office of
15 Legislative Services, the Office of Legislative Information
16 Technology Services, and the Office of Economic and
17 Demographic Research. These offices shall provide support
18 services that are determined by the President of the Senate
19 and the Speaker of the House of Representatives to be
20 necessary and that can be effectively provided jointly to both
21 houses and other units of the Legislature. Each office shall
22 be directed by a coordinator selected by the President of the
23 Senate and the Speaker of the House of Representatives.

24 (1) The Office of Legislative Services shall provide
25 legislative support services other than those prescribed in
26 subsections (2) and (3). The Division of Statutory Revision
27 and the Division of Legislative Information shall be two of
28 the divisions within the Office of Legislative Services.

29 (2) The Office of Legislative Information Technology
30 Services shall provide support services to assist the
31

1 Legislature in achieving its objectives through the
2 application of cost-effective information technology.

3 (3) The Office of Economic and Demographic Research
4 shall provide research support services, principally regarding
5 forecasting economic and social trends that affect
6 policymaking, revenue, and appropriations.

7 3.2--Policies

8 The President of the Senate and the Speaker of the
9 House of Representatives shall jointly adopt policies they
10 consider advisable to carry out the functions of the
11 Legislature.

12 JOINT RULE FOUR

13 JOINT LEGISLATIVE AUDITING COMMITTEE

14 4.1--Responsibilities

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

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

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

28 (4) The committee and the units it oversees, including
29 the Auditor General, the Office of Program Policy Analysis and
30 Government Accountability, and the Public Counsel, shall
31 submit their budget requests and operating budgets to the

1 | President of the Senate and the Speaker of the House of
2 | Representatives for prior written approval by the presiding
3 | officers acting together.

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

9 | (a) Assignment to the Auditor General for inclusion in
10 | a regularly scheduled agency audit;

11 | (b) Assignment to the Auditor General for special
12 | audit or review;

13 | (c) Assignment to the Office of Program Policy
14 | Analysis and Government Accountability for inclusion in a
15 | regularly scheduled performance audit;

16 | (d) Assignment to the Office of Program Policy
17 | Analysis and Government Accountability for special audit or
18 | review;

19 | (e) Assignment to committee staff; or

20 | (f) Rejection as being an unnecessary or inappropriate
21 | application of legislative resources.

22 | (6) The committee may at any time, without regard to
23 | whether the Legislature is in session, take under
24 | investigation any matter within the scope of an audit either
25 | completed or then being conducted by the Auditor General or
26 | the Office of Program Policy Analysis and Government
27 | Accountability, and in connection with such investigation may
28 | exercise the powers of subpoena by law vested in a standing
29 | committee of the Legislature.

30 | (7) The committee shall review the performance of the
31 | director of the Office of Program Policy Analysis and

1 Government Accountability every 4 years and shall submit a
2 report to the Legislature recommending whether the director
3 should be reappointed. A vacancy in the office must be filled
4 in the same manner as the original appointment.

5 JOINT RULE FIVE

6 AUDITOR GENERAL

7 5.1--Rulemaking authority

8 The Auditor General shall make and enforce reasonable
9 rules and regulations necessary to facilitate audits that he
10 or she is authorized to perform.

11 5.2--Budget and accounting

12 (1) The Auditor General shall prepare and submit
13 annually to the President of the Senate and the Speaker of the
14 House of Representatives for their joint approval a proposed
15 budget for the ensuing fiscal year.

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

23 5.3--Audit report distribution

24 (1) A copy of each audit report shall be submitted to
25 the Governor, to the Comptroller, and to the officer or person
26 in charge of the state agency or political subdivision
27 audited. One copy shall be filed as a permanent public record
28 in the office of the Auditor General. In the case of county
29 reports, one copy of the report of each county office, school
30 district, or other district audited shall be submitted to the
31 board of county commissioners of the county in which the audit

1 was made and shall be filed in the office of the clerk of the
2 circuit court of that county as a public record. When an audit
3 is made of the records of the district school board, a copy of
4 the audit report shall also be filed with the district school
5 board, and thereupon such report shall become a part of the
6 public records of such board.

7 (2) A copy of each audit report shall be made
8 available to each member of the Legislative Auditing
9 Committee.

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

13 (4) Other copies may be furnished to other persons
14 who, as in the opinion of the Auditor General, are directly
15 interested in the audit or who have a duty to perform in
16 connection therewith.

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

26 JOINT RULE SIX

27 OFFICE OF PROGRAM POLICY

28 ANALYSIS AND GOVERNMENT ACCOUNTABILITY

29 6.1--Responsibilities of the director
30
31

1 JOINT LEGISLATIVE BUDGET COMMISSION

2 7.1--General Responsibilities

3 (1) The commission, as provided in chapter 216,
4 Florida Statutes, shall receive and review notices of budget
5 and personnel actions and proposed actions taken or to be
6 taken by the executive and judicial branches and shall approve
7 or disapprove such actions.

8 (2) Through the chairman, the commission shall advise
9 the Governor and the Chief Justice of actions or proposed
10 actions that exceed delegated authority or that are contrary
11 to legislative policy and intent.

12 (3) To the extent possible, the commission shall
13 inform members of the Legislature of budget amendments
14 requested by the executive or judicial branches.

15 (4) The commission shall consult with the Chief
16 Financial Officer ~~Comptroller~~ and the Executive Office of the
17 Governor on matters as required by chapter 216, Florida
18 Statutes.

19 (5) The President of the Senate and the Speaker of the
20 House of Representatives may jointly assign other
21 responsibilities to the commission in addition to those
22 assigned by law.

23 (6) The commission shall develop policies and
24 procedures necessary to carry out its assigned
25 responsibilities.

26 (7) The commission, with the approval of the President
27 of the Senate and the Speaker of the House of Representatives,
28 may appoint subcommittees as necessary to facilitate its work.

29 ~~7.2--Zero based Budgeting~~
30
31

1 ~~(1) The commission shall develop a schedule and apply~~
2 ~~zero based budgeting principles in reviewing the budget of~~
3 ~~each state agency at least once every 8 years.~~

4 ~~(2) By July 1 of each year, the commission shall issue~~
5 ~~instructions to the agencies whose budgets are to be reviewed~~
6 ~~prior to the next legislative session.~~

7 ~~(3) The commission shall provide these reviews to the~~
8 ~~President of the Senate and the Speaker of the House of~~
9 ~~Representatives by December 31 of the year in which they are~~
10 ~~completed.~~

11 ~~(4) By February 1, 2001, the commission shall provide~~
12 ~~to the President of the Senate and the Speaker of the House of~~
13 ~~Representatives a schedule for completing zero based budgeting~~
14 ~~reviews of all state agencies prior to December 31, 2008.~~

15 7.2 ~~7.3~~--Organizational Structure

16 (1) The commission shall be composed of seven members
17 of the Senate appointed by the President of the Senate and
18 seven members of the House of Representatives appointed by the
19 Speaker of the House of Representatives. ~~The appointees shall~~
20 ~~include the chairman of the Fiscal Responsibility Council in~~
21 ~~the House of Representatives and the chairman of the Committee~~
22 ~~on Appropriations in the Senate.~~

23 ~~(2) The members of the commission shall elect a~~
24 ~~chairman and a vice chairman. In even numbered years, a~~
25 ~~Senator shall be chairman and a House member vice chairman. In~~
26 ~~odd numbered years, a House member shall be chairman and a~~
27 ~~Senator vice chairman.~~

28 ~~(3) The commission shall meet at least quarterly and~~
29 ~~more frequently at the direction of the presiding officers or~~
30 ~~the chairman. Meetings may be conducted through~~
31 ~~teleconferences or other electronic means.~~

1 ~~(4) A quorum shall consist of a majority of the~~
2 ~~commission members of each house plus one additional member of~~
3 ~~the commission.~~

4 ~~(5) Action by the commission shall require a majority~~
5 ~~vote of the members present of each house.~~

6 ~~(2)(6)~~ The commission shall be jointly staffed by the
7 appropriations committees of both houses. ~~During even numbered~~
8 ~~years,~~ The Senate shall provide the lead staff when the
9 chairperson is a Senator. ~~During odd numbered years,~~ The House
10 of Representatives shall provide the lead staff when the
11 chairperson is a Representative.

12 7.3 ~~7.4~~--Notice of Commission Meetings

13 Not less than 7 days prior to a meeting of the
14 commission, a notice of the meeting, stating the items to be
15 considered, date, time, and place, shall be filed with the
16 Secretary of the Senate when the chairman is a Senator or with
17 the Chief Clerk of the House of Representatives when the
18 chairman is a Representative. The Secretary or the Chief Clerk
19 shall distribute notice to the Legislature and the public,
20 consistent with the rules and policies of their respective
21 houses.

22 7.4--Effect of Adoption; Intent

23 This Joint Rule Seven replaces all prior joint rules
24 governing the Joint Legislative Budget Commission and is
25 intended to implement constitutional provisions relating to
26 the Joint Legislative Budget Commission existing as of the
27 date of the rule's adoption.

28 ~~JOINT RULE EIGHT~~

29 ~~CONTINUING EXISTENCE OF JOINT RULES~~

30 ~~8.1 Continuing Existence of Joint Rules~~

1 ~~All joint rules adopted by concurrent resolution, and~~
2 ~~amendments thereto, shall continue in effect from session to~~
3 ~~session or Legislature to Legislature until repealed by~~
4 ~~concurrent resolution.~~

5
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 2396

9 The committee substitute differs from the original bill in
10 that it: adopts numerous changes, primarily technical, to
11 Joint Rule One of the Florida Legislature governing
12 legislative lobbyist registration and compensation reporting;
13 modifies the Joint Rule to encompass electronic filing of
14 lobbying compensation reports, effective April 1, 2007;
15 incorporates changes based on practical experience gained over
16 the last year in implementing the Joint Rule; amends Joint Rule
17 Seven governing the Joint Legislative Budget
18 Commission; conforms the existing Rule to current budget
19 practices; incorporates necessary changes stemming from a
20 constitutional amendment creating the Commission that passed
21 in November 2006; repeals Joint Rule Eight, relating to the
22 continuing existence of the Joint Rules; and, re-adopts Joint
23 Rules Two through Six, dealing with the general appropriations
24 bill, legislative support services, the Joint Legislative
25 Auditing Committee ("JLAC"), the Auditor General, and the
26 Office of Program, Policy Analysis, and Government
27 Accountability("OPPAGA"), respectively.