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2007 Legislature

1 House Concurrent Resolution

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

7
8 WHEREAS, chapter 2005-359, Laws of Florida, established
9 lobbyist compensation reporting, and further provided for
10 electronic filing of compensation reports and other information
11 effective April 1, 2007, and

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

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

20
21 Be It Resolved by the House of Representatives of the State of
22 Florida, the Senate Concurring:

23
24 That the Joint Rules of the Florida Legislature are revised
25 and readopted to read as follows:

26
27 JOINT RULES
28 JOINT RULE ONE

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29 LOBBYIST REGISTRATION AND COMPENSATION REPORTING

30 1.1--Those Required to Register; Exemptions; Committee
31 Appearance Records

32 (1) All lobbyists before the Florida Legislature must
33 register with the Lobbyist Registration Office in the Division
34 of Legislative Information Services of the Office of Legislative
35 Services. Registration is required for each principal
36 represented.

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

39 (a) "Compensation" means payment, distribution, loan,
40 advance, reimbursement, deposit, salary, fee, retainer, or
41 anything of value provided or owed to a lobbying firm, directly
42 or indirectly, by a principal for any lobbying activity.

43 (b) "Division" means the Division of Legislative
44 Information Services within the Office of Legislative Services.

45 (c) "Legislative action" means introduction, sponsorship,
46 testimony, debate, voting, or any other official action on any
47 measure, resolution, amendment, nomination, appointment, or
48 report of, or any matter that may be the subject of action by,
49 either house of the Legislature or any committee thereof.

50 (d) "Lobby" or "lobbying" means influencing or attempting
51 to influence legislative action or nonaction through oral or
52 written communication or an attempt to obtain the goodwill of a
53 member or employee of the Legislature.

54 (e) "Lobbying firm" means any business entity, including
55 an individual contract lobbyist, that receives or becomes
56 entitled to receive any compensation for the purpose of

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57 lobbying, and where any partner, owner, officer, or employee of
58 the business entity is a lobbyist. "Lobbying firm" does not
59 include an entity that has employees who are lobbyists if the
60 entity does not derive compensation from principals for
61 lobbying, or such compensation is received exclusively from a
62 subsidiary or affiliate corporation of the employer. As used in
63 this paragraph, an affiliate corporation is a corporation that
64 directly or indirectly shares the same ultimate parent
65 corporation as the employer and does not receive compensation
66 for lobbying from any unaffiliated entity.

67 (f) "Lobbyist" means a person who is employed and receives
68 payment, or who contracts for economic consideration, for the
69 purpose of lobbying, or a person who is principally employed for
70 governmental affairs by another person or governmental entity to
71 lobby on behalf of that other person or governmental entity. An
72 employee of the principal is not a "lobbyist" unless the
73 employee is principally employed for governmental affairs.
74 "Principally employed for governmental affairs" means that one
75 of the principal or most significant responsibilities of the
76 employee to the employer is overseeing the employer's various
77 relationships with government or representing the employer in
78 its contacts with government. Any person employed by the
79 Governor, the Executive Office of the Governor, or any executive
80 or judicial department of the state or any community college of
81 the state who seeks to encourage the passage, defeat, or
82 modification of any legislation by personal appearance or
83 attendance before the House of Representatives or the Senate, or
84 any member or committee thereof, is a lobbyist.

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

88 (h) "Principal" means the person, firm, corporation, or
89 other entity that has employed or retained a lobbyist. When an
90 association has employed or retained a lobbyist, the association
91 is the principal; the individual members of the association are
92 not principals merely because of their membership in the
93 association.

94 (i) "Unusual circumstances," with respect to any failure
95 of a person to satisfy a filing requirement, means uncommon,
96 rare, or sudden events over which the person has no control and
97 which directly result in the failure to satisfy the filing
98 requirement.

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

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

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

104 (c) Advice or services that arise out of a contractual
105 obligation with the Legislature, a member, a committee, any
106 staff, or any legislative entity to render the advice or
107 services where such obligation is fulfilled through the use of
108 public funds.

109 (d) Representation of a client before the House of
110 Representatives or the Senate, or any member or committee
111 thereof, when the client is subject to disciplinary action by
112 the House of Representatives or the Senate, or any member or

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113 | committee thereof.

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

116 | (a) A member of the Legislature.

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

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

120 | (d) A person who is a state officer holding elective
121 | office or an officer of a political subdivision of the state
122 | holding elective office and who is acting in that officer's
123 | official capacity.

124 | (e) A person who appears as a witness or for the purpose
125 | of providing information at the written request of the chair of
126 | a committee, subcommittee, or legislative delegation.

127 | (f) A person employed by any executive or judicial
128 | department of the state or any community college of the state
129 | who makes a personal appearance or attendance before the House
130 | of Representatives or the Senate, or any member or committee
131 | thereof, while that person is on approved leave or outside
132 | normal working hours, and who does not otherwise meet the
133 | definition of lobbyist.

134 | (5) When a person, whether or not the person is registered
135 | as a lobbyist, appears before a committee of the Legislature,
136 | that person must submit a Committee Appearance Record as
137 | required by the respective house.

138 | 1.2--Method of Registration

139 | (1) Each person who is required to register must register
140 | on forms furnished by the Lobbyist Registration Office, on which

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141 that person must state, under oath, that person's full legal
142 name, business address, and telephone number, the name and
143 business address of each principal that person represents, and
144 the extent of any direct business association or partnership
145 that person has with any member of the Legislature. In addition,
146 if the lobbyist is a partner, owner, officer, or employee of a
147 lobbying firm, the lobbyist must state the name, address,
148 ~~Federal Employer's Identification Number (FEIN), contact name,~~
149 and telephone number of each lobbying firm to which the lobbyist
150 belongs. The Lobbyist Registration Office or its designee is
151 authorized to acknowledge the oath of any person who registers
152 in person. Any changes to the information provided in the
153 registration form must be reported to the Lobbyist Registration
154 Office in writing within 15 days on forms furnished by the
155 Lobbyist Registration Office.

156 (2) Any person required to register must do so with
157 respect to each principal prior to commencement of lobbying on
158 behalf of that principal. At the time of registration, the
159 registrant shall provide a statement on a form provided by the
160 Lobbyist Registration Office, signed by the principal or
161 principal's representative, that the registrant is authorized to
162 represent the principal. On the authorization statement the
163 principal or principal's representative shall also identify and
164 designate the principal's main business pursuant to a
165 classification system approved by the Office of Legislative
166 Services that shall be the North American Industry
167 Classification System (NAICS) six-digit numerical code that most
168 accurately describes the principal's main business.

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169 (3) Any person required to register must renew the
170 registration annually for each calendar year.

171 (4) A lobbyist shall promptly send a notice to the
172 Lobbyist Registration Office, on forms furnished by the Lobbyist
173 Registration Office, canceling the registration for a principal
174 upon termination of the lobbyist's representation of that
175 principal. A notice of cancellation takes effect the day it is
176 received by the Lobbyist Registration Office. Notwithstanding
177 this requirement, the Lobbyist Registration Office may remove
178 the name of a lobbyist from the list of registered lobbyists if
179 the principal notifies the Lobbyist Registration Office that the
180 lobbyist is no longer authorized to represent that principal.

181 ~~(5) The Lobbyist Registration Office shall publish on the~~
182 ~~first Monday of each regular session and weekly thereafter~~
183 ~~through the end of that session a compilation of the names of~~
184 ~~persons who have registered and the information contained in~~
185 ~~their registrations.~~

186 (5)(6) The Lobbyist Registration Office shall retain all
187 original registration documents submitted under this rule.

188 (6)(7) A person who is required to register under this
189 rule, or who chooses to register, shall be considered a lobbyist
190 of the Legislature for the purposes of sections 11.045,
191 112.3148, and 112.3149, Florida Statutes.

192 1.3--Registration Costs; Exemptions

193 (1) To cover the costs incurred in administering this
194 joint policy, each person who registers under Joint Senate and
195 House Rule 1.1 must pay an annual registration fee to the
196 Lobbyist Registration Office. The annual period runs from

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197 January 1 to December 31. These fees must be paid at the time of
198 registration.

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

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

204 (b) Two employees of the Fish and Wildlife Conservation
205 Commission.

206 (c) Two employees of the Executive Office of the Governor.

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

208 (e) Two employees of the Florida Public Service
209 Commission.

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

212 (3) The annual fee is up to \$50 per each house for a
213 person to register to represent one principal and up to an
214 additional \$10 per house for each additional principal that the
215 person registers to represent. The amount of each fee shall be
216 established annually by the President of the Senate and the
217 Speaker of the House of Representatives. The fees set shall be
218 adequate to ensure operation of the lobbyist registration and
219 reporting operations of the Lobbyist Registration Office. The
220 fees collected by the Lobbyist Registration Office under this
221 joint policy shall be deposited in the State Treasury and
222 credited to the Legislative Lobbyist Registration Trust Fund
223 specifically to cover the costs incurred in administering this
224 joint policy.

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225 1.4--Reporting of Lobbying Firm Compensation
 226 (1) (a) Each lobbying firm shall file a compensation report
 227 with the division for each calendar quarter during any portion
 228 of which one or more of the firm's lobbyists were registered to
 229 represent a principal. The report shall include the:
 230 1. Full name, business address, and telephone number of
 231 the lobbying firm;
 232 2. Registration name of each of the firm's lobbyists; and
 233 3. Total compensation provided or owed to the lobbying
 234 firm from all principals for the reporting period, reported in
 235 one of the following categories: \$0; \$1 to \$49,999; \$50,000 to
 236 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to
 237 \$999,999; \$1 million or more.
 238 (b) For each principal represented by one or more of the
 239 firm's lobbyists, the lobbying firm's compensation report shall
 240 also include the:
 241 1. Full name, business address, and telephone number of
 242 the principal; and
 243 2. Total compensation provided or owed to the lobbying
 244 firm for the reporting period, reported in one of the following
 245 categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to
 246 \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or
 247 more. If the category "\$50,000 or more" is selected, the
 248 specific dollar amount of compensation must be reported, rounded
 249 up or down to the nearest \$1,000.
 250 (c) If the lobbying firm subcontracts work from another
 251 lobbying firm and not from the original principal:
 252 1. The lobbying firm providing the work to be

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253 subcontracted shall be treated as the reporting lobbying firm's
254 principal for reporting purposes under this paragraph; and

255 2. The reporting lobbying firm shall, for each lobbying
256 firm identified as the reporting lobbying firm's principal under
257 paragraph (b), identify the name and address of the principal
258 originating the lobbying work.

259 (d) The senior partner, officer, or owner of the lobbying
260 firm shall certify to the veracity and completeness of the
261 information submitted pursuant to this Rule 1.4, and certify
262 that no compensation has been omitted from this report by
263 deeming such compensation as "consulting services," "media
264 services," "professional services," or anything other than
265 compensation, and certify that no officer or employee of the
266 firm has made an expenditure in violation of section 11.045,
267 Florida Statutes, as amended by chapter 2005-359, Laws of
268 Florida.

269 (2) For each principal represented by more than one
270 lobbying firm, the division shall aggregate the reporting-period
271 and calendar-year compensation reported as provided or owed by
272 the principal. Compensation reported within a category shall be
273 aggregated as follows: ~~the arithmetic mean of the category.~~

<u>Category (dollars)</u>	<u>Dollar amount to use aggregating</u>
0	\$ 0
1-9,999	5,000

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281	<u>10,000-19,999</u>	<u>15,000</u>
282		
283	<u>20,000-29,999</u>	<u>25,000</u>
284		
285	<u>30,000-39,999</u>	<u>35,000</u>
286		
287	<u>40,000-49,999</u>	<u>45,000</u>
288		

289 \$50,000 or more Actual amount reported

290 (3) The reporting statements shall be filed no later than
 291 45 days after the end of each reporting period. The four
 292 reporting periods are from January 1 through March 31, April 1
 293 through June 30, July 1 through September 30, and October 1
 294 through December 31, respectively. The statements shall be
 295 rendered in the identical form provided by the respective houses
 296 and shall be open to public inspection. Effective April 1, 2007,
 297 reporting statements shall ~~may~~ be filed by electronic means
 298 through the electronic filing system developed by the division,
 299 conforming to subsection (4), ~~when feasible.~~

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

302 (a) As used in this rule, the term "electronic filing
 303 system" means an Internet system for recording and reporting
 304 lobbying compensation and other required information by
 305 reporting period.

306 (b) A report filed pursuant to this Rule 1.4 must be
 307 completed and filed through the electronic filing system not
 308 later than 11:59 p.m. of the day designated in subsection (3). A

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309 report not filed by 11:59 p.m. of the day designated is a late-
310 filed report and is subject to the penalties under Rule 1.5(1).

311 (c) Each person given secure sign-on credentials to file
312 via the electronic filing system is responsible for protecting
313 the credentials from disclosure and is responsible for all
314 filings made by use of such credentials, unless and until the
315 division is notified that the person's credentials have been
316 compromised. Each report filed by electronic means pursuant to
317 this section shall be deemed certified in accordance with
318 paragraph (1)(d) by the person given the secure sign-on
319 credentials and, as such, subjects the person and the lobbying
320 firm to the provisions of s. 11.045(8), Florida Statutes, as
321 well as any discipline provided under the rules of the Senate or
322 House of Representatives.

323 (d) The electronic filing system shall:

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

325 2. Be accessible by anyone with Internet access using
326 standard web-browsing software.

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

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

332 5. Provide for the issuance of an electronic receipt to
333 the person submitting the report indicating and verifying the
334 date and time that the report was filed.

335 (5) The division shall provide reasonable public notice of
336 the electronic filing procedures and of any significant changes

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337 in such procedures. In the event that the President of the
 338 Senate and the Speaker of the House of Representatives jointly
 339 declare the electronic system to be not operable, the reports
 340 shall be filed in the manner required prior to April 1, 2007,
 341 unless the President of the Senate and the Speaker of the House
 342 of Representatives direct use of an alternate means of
 343 reporting. The division shall develop and maintain such
 344 alternative means as may be practicable. Public notice of
 345 changes in filing procedures and any declaration or direction of
 346 the President of the Senate and the Speaker of the House of
 347 Representatives may be provided by publication for a continuous
 348 period of reasonable time on one or more Internet websites
 349 maintained by the Senate and the House of Representatives.

350 (6)(4) Prior to April 1, 2007, reports ~~must~~ shall be filed
 351 no later than 5 p.m. of the report due date. However, any report
 352 that is postmarked by the United States Postal Service no later
 353 than ~~midnight~~ of the due date shall be deemed to have been filed
 354 in a timely manner, and a certificate of mailing obtained from
 355 and dated by the United States Postal Service at the time of the
 356 mailing, or a receipt from an established courier company that
 357 bears a date on or before the due date, shall be proof of
 358 mailing in a timely manner.

359 1.5--Failure to File Timely Compensation Report; Notice and
 360 Assessment of Fines; Appeals

361 (1) Upon determining that the report is late, the person
 362 designated to review the timeliness of reports shall immediately
 363 notify the lobbying firm as to the failure to timely file the
 364 report and that a fine is being assessed for each late day. The

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365 fine shall be \$50 per day per report for each late day, not to
366 exceed \$5,000 per report.

367 (2) (a) Effective April 1, 2007, upon receipt of the
368 report, the person designated to review the timeliness of
369 reports shall determine the amount of the fine based on when the
370 report is actually received by the division or when the
371 electronic receipt issued by the electronic filing system is
372 dated, whichever is earlier.

373 (b) Prior to April 1, 2007, upon receipt of the report,
374 the person designated to review the timeliness of reports shall
375 determine the amount of the fine due based upon the earliest of
376 the following:

- 377 1. (a) When a report is actually received by the division.
- 378 2. (b) When the report is postmarked.
- 379 3. (e) When the certificate of mailing is dated.
- 380 4. (d) When the receipt from an established courier company
381 is dated.

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

387 (4) A fine shall not be assessed against a lobbying firm
388 the first time the report for which the lobbying firm is
389 responsible is not timely filed. However, to receive the one-
390 time fine waiver, the report for which the lobbying firm is
391 responsible must be filed within 30 days after notice that the
392 report has not been timely filed is transmitted by the person

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393 designated to review the timeliness of reports. A fine shall be
394 assessed for any subsequent late-filed reports.

395 (5) Any lobbying firm may appeal or dispute a fine, based
396 upon unusual circumstances surrounding the failure to file on
397 the designated due date, and may request and shall be entitled
398 to a hearing before the General Counsel of the Office of
399 Legislative Services, who shall recommend to the President of
400 the Senate and the Speaker of the House of Representatives, or
401 their respective designees, that the fine be waived in whole or
402 in part for good cause shown. The President of the Senate and
403 the Speaker of the House of Representatives, or their respective
404 designees, may by joint agreement concur in the recommendation
405 and waive the fine in whole or in part. Any such request shall
406 be made within 30 days after the notice of payment due is
407 transmitted by the person designated to review the timeliness of
408 reports. In such case, the lobbying firm shall, within the 30-
409 day period, notify the person designated to review the
410 timeliness of reports in writing of his or her intention to
411 request a hearing.

412 (6) A lobbying firm may request that the filing of a
413 report be waived upon good cause shown, based on unusual
414 circumstances. The request must be filed with the General
415 Counsel of the Office of Legislative Services, who shall make a
416 recommendation concerning the waiver request to the President of
417 the Senate and the Speaker of the House of Representatives. The
418 President of the Senate and the Speaker of the House of
419 Representatives may, by joint agreement, grant or deny the
420 request.

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421 (7) (a) All lobbyist registrations for lobbyists who are
422 partners, owners, officers, or employees of a lobbying firm that
423 fails to timely pay a fine are automatically suspended until the
424 fine is paid or waived, and the division shall promptly notify
425 all affected principals and the President of the Senate and the
426 Speaker of the House of Representatives of any suspension or
427 reinstatement. All lobbyists who are partners, owners, officers,
428 or employees of a lobbying firm are jointly and severally liable
429 for any outstanding fine owed by a lobbying firm.

430 (b) No such lobbyist may be reinstated in any capacity
431 representing any principal until the fine is paid or until the
432 fine is waived as to that lobbyist. A suspended lobbyist may
433 request a waiver upon good cause shown, based on unusual
434 circumstances. The request must be filed with the General
435 Counsel of the Office of Legislative Services who shall, as soon
436 as practicable, make a recommendation concerning the waiver
437 request to the President of the Senate and the Speaker of the
438 House of Representatives. The President of the Senate and the
439 Speaker of the House of Representatives may, by joint agreement,
440 grant or deny the request.

441 (8) The person designated to review the timeliness of
442 reports shall notify the director of the division of the failure
443 of a lobbying firm to file a report after notice or of the
444 failure of a lobbying firm to pay the fine imposed.

445 1.6--Open Records; Internet Publication of Registrations
446 and Compensation Reports

447 (1) All of the lobbyist registration forms and
448 compensation reports received by the Lobbyist Registration

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449 Office shall be available for public inspection and for
450 duplication at reasonable cost.

451 (2) The division shall make information filed pursuant to
452 Rules 1.2 and 1.4 reasonably available on the Internet in an
453 easily understandable and accessible format. The Internet
454 website shall include, but not be limited to, the names and
455 business addresses of lobbyists, lobbying firms, and principals,
456 the affiliations between lobbyists and principals, and the
457 classification system designated and identified with respect to
458 principals pursuant to Rule 1.2.

459 1.7--Records Retention and Inspection and Complaint
460 Procedure

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

465 (2) Upon receipt of a complaint based upon the personal
466 knowledge of the complainant made pursuant to the Senate Rules
467 or Rules of the House of Representatives, any such documents and
468 records may be inspected when authorized by the President of the
469 Senate or the Speaker of the House of Representatives, as
470 applicable. The person authorized to perform the inspection
471 shall be designated in writing and shall be a member of The
472 Florida Bar or a certified public accountant licensed in
473 Florida. Any information obtained by such an inspection may only
474 be used for purposes authorized by law, this Joint Rule One,
475 Senate Rules, or Rules of the House of Representatives, which
476 purposes may include the imposition of sanctions against a

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477 person subject to this rule or Senate Rules or the Rules of the
478 House of Representatives. Any employee who uses that information
479 for an unauthorized purpose is subject to discipline. Any member
480 who uses that information for an unauthorized purpose is subject
481 to discipline under the applicable rules of each house.

482 (3) The right of inspection may be enforced by appropriate
483 writ issued by any court of competent jurisdiction.

484 1.8--Questions Regarding Interpretation of this Joint Rule
485 One

486 (1) A person may request in writing an informal opinion
487 from the General Counsel of the Office of Legislative Services
488 as to the application of this Joint Rule One to a specific
489 situation. The General Counsel shall issue the opinion within 10
490 days after receiving the request. The informal opinion may be
491 relied upon by the person who requested the informal opinion. A
492 copy of each informal opinion that is issued shall be provided
493 to the presiding officer of each house. A committee of either
494 house designated pursuant to section 11.045(5), Florida
495 Statutes, may revise any informal opinion rendered by the
496 General Counsel through an advisory opinion to the person who
497 requested the informal opinion. The advisory opinion shall
498 supersede the informal opinion as of the date the advisory
499 opinion is issued.

500 (2) Persons in doubt about the applicability or
501 interpretation of this Joint Rule One may submit in writing the
502 facts for an advisory opinion to the committee of either house
503 designated pursuant to section 11.045(5), Florida Statutes, and
504 may appear in person before the committee in accordance with

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505 section 11.045(5), Florida Statutes.

506 1.9--Effect of Readoption and Revision

507 All obligations existing under Joint Rule One as of the
 508 last day of the previous legislative biennium are hereby
 509 ratified, preserved, and reimposed pursuant to the terms thereof
 510 as of that date. The provisions of Joint Rule One are imposed
 511 retroactively to the first day of the present legislative
 512 biennium except that provisions new to this revision are
 513 effective on the date of adoption or as otherwise expressly
 514 provided herein.

515 ~~1.9 Effect of Former Joint Rule One~~

516 ~~Every fine and penalty finally due and owing on or before~~
 517 ~~December 31, 2005, under the Rules of the Senate or the House of~~
 518 ~~Representatives or under former Joint Rules 1.1 1.9, with no~~
 519 ~~appeal pending under such rules, is hereby ratified and~~
 520 ~~preserved and shall be collected as previously finally~~
 521 ~~determined. Every other obligation under former Joint Rule One,~~
 522 ~~rescinded upon adoption of this Joint Rule One, is hereby waived~~
 523 ~~and abolished. The obligations under Joint Rules 1.1, 1.2, and~~
 524 ~~1.3 are to be enforced retroactively to January 1, 2006,~~
 525 ~~provided that substantial compliance with the provisions of~~
 526 ~~former Joint Rules 1.1, 1.2, and 1.3 on or before the effective~~
 527 ~~date of this Joint Rule One shall be deemed to be in compliance~~
 528 ~~with any retroactive requirements of this Joint Rule One.~~

529 JOINT RULE TWO

530 GENERAL APPROPRIATIONS BILL

531 2.1--General Appropriations Bill; Review Period

532 (1) A general appropriations bill shall be subject to a

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533 72-hour public review period before a vote is taken on final
534 passage of the bill in the form that will be presented to the
535 Governor.

536 (2) If a bill is returned to the house in which the bill
537 originated and the originating house does not concur in all the
538 amendments or adds additional amendments, no further action
539 shall be taken on the bill by the nonoriginating house, and a
540 conference committee shall be established by operation of this
541 rule to consider the bill.

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

546 (4) A copy of the bill, a copy of the bill with amendments
547 adopted by the nonoriginating house, or the conference committee
548 report shall be furnished to each member of the Legislature, the
549 Governor, the Chief Justice of the Supreme Court, and each
550 member of the Cabinet. Copies for the Governor, Chief Justice
551 and members of the Cabinet shall be furnished to the official's
552 office in the Capitol or Supreme Court Building. A member's copy
553 shall be furnished to the member's desk in the appropriate
554 chamber. The Secretary of the Senate shall be responsible for
555 furnishing copies under this rule for Senate bills, House bills
556 as amended by the Senate, and conference committee reports on
557 Senate bills. The Clerk of the House shall be responsible for
558 furnishing copies under this rule for House bills, Senate bills
559 as amended by the House, and conference committee reports on
560 House bills.

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561 (5) The 72-hour public review period shall begin to run
562 upon completion of the furnishing of copies required to be
563 provided herein. The Speaker of the House and the President of
564 the Senate, as appropriate, shall be informed of the completion
565 time and such time shall be announced on the floor prior to vote
566 on final passage in each house and shall be entered in the
567 journal of each house. Saturdays, Sundays, and holidays shall be
568 included in the computation under this rule.

569 2.2--General Appropriations Bill; Definition

570 For the purposes of Joint Rule 2, the term "general
571 appropriations bill" means a bill which provides for the
572 salaries of public officers and other current expenses of the
573 state and contains no subject other than appropriations. A bill
574 which contains appropriations which are incidental and necessary
575 solely to implement a substantive law is not included within
576 this term.

577 JOINT RULE THREE

578 LEGISLATIVE SUPPORT SERVICES

579 3.1--Organizational Structure

580 The Legislature shall be supported by the Office of
581 Legislative Services, the Office of Legislative Information
582 Technology Services, and the Office of Economic and Demographic
583 Research. These offices shall provide support services that are
584 determined by the President of the Senate and the Speaker of the
585 House of Representatives to be necessary and that can be
586 effectively provided jointly to both houses and other units of
587 the Legislature. Each office shall be directed by a coordinator
588 selected by the President of the Senate and the Speaker of the

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589 House of Representatives.

590 (1) The Office of Legislative Services shall provide
591 legislative support services other than those prescribed in
592 subsections (2) and (3). The Division of Statutory Revision and
593 the Division of Legislative Information shall be two of the
594 divisions within the Office of Legislative Services.

595 (2) The Office of Legislative Information Technology
596 Services shall provide support services to assist the
597 Legislature in achieving its objectives through the application
598 of cost-effective information technology.

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

603 3.2--Policies

604 The President of the Senate and the Speaker of the House of
605 Representatives shall jointly adopt policies they consider
606 advisable to carry out the functions of the Legislature.

607 JOINT RULE FOUR

608 JOINT LEGISLATIVE AUDITING COMMITTEE

609 4.1--Responsibilities

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

615 (2) The expenses of the members of the committee shall be
616 approved by the chair of the committee and paid from the

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617 appropriation for legislative expense.

618 (3) The committee shall submit to the President of the
619 Senate and the Speaker of the House of Representatives, for
620 approval, an estimate of the financial needs of the committee,
621 the Auditor General, and the Office of Program Policy Analysis
622 and Government Accountability, and the Public Counsel.

623 (4) The committee and the units it oversees, including the
624 Auditor General, the Office of Program Policy Analysis and
625 Government Accountability, and the Public Counsel, shall submit
626 their budget requests and operating budgets to the President of
627 the Senate and the Speaker of the House of Representatives for
628 prior written approval by the presiding officers acting
629 together.

630 (5) The committee may receive requests for audits and
631 reviews from legislators. Staff of the committee shall review
632 each request and make a recommendation to the committee
633 concerning its disposition. The manner of disposition
634 recommended may be:

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

637 (b) Assignment to the Auditor General for special audit or
638 review;

639 (c) Assignment to the Office of Program Policy Analysis
640 and Government Accountability for inclusion in a regularly
641 scheduled performance audit;

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

644 (e) Assignment to committee staff; or

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645 (f) Rejection as being an unnecessary or inappropriate
646 application of legislative resources.

647 (6) The committee may at any time, without regard to
648 whether the Legislature is in session, take under investigation
649 any matter within the scope of an audit either completed or then
650 being conducted by the Auditor General or the Office of Program
651 Policy Analysis and Government Accountability, and in connection
652 with such investigation may exercise the powers of subpoena by
653 law vested in a standing committee of the Legislature.

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

660 JOINT RULE FIVE

661 AUDITOR GENERAL

662 5.1--Rulemaking authority

663 The Auditor General shall make and enforce reasonable rules
664 and regulations necessary to facilitate audits that he or she is
665 authorized to perform.

666 5.2--Budget and accounting

667 (1) The Auditor General shall prepare and submit annually
668 to the President of the Senate and the Speaker of the House of
669 Representatives for their joint approval a proposed budget for
670 the ensuing fiscal year.

671 (2) Within the limitations of the approved operating
672 budget, the salaries and expenses of the Auditor General and the

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673 staff of the Auditor General shall be paid from the
674 appropriation for legislative expense or any other moneys
675 appropriated by the Legislature for that purpose. The Auditor
676 General shall approve all bills for salaries and expenses for
677 his or her staff before the same shall be paid.

678 5.3--Audit report distribution

679 (1) A copy of each audit report shall be submitted to the
680 Governor, to the Comptroller, and to the officer or person in
681 charge of the state agency or political subdivision audited. One
682 copy shall be filed as a permanent public record in the office
683 of the Auditor General. In the case of county reports, one copy
684 of the report of each county office, school district, or other
685 district audited shall be submitted to the board of county
686 commissioners of the county in which the audit was made and
687 shall be filed in the office of the clerk of the circuit court
688 of that county as a public record. When an audit is made of the
689 records of the district school board, a copy of the audit report
690 shall also be filed with the district school board, and
691 thereupon such report shall become a part of the public records
692 of such board.

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

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

698 (4) Other copies may be furnished to other persons who, as
699 in the opinion of the Auditor General, are directly interested
700 in the audit or who have a duty to perform in connection

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701 therewith.

702 (5) The Auditor General shall transmit to the President of
703 the Senate and the Speaker of the House of Representatives, by
704 December 1 of each year, a list of statutory and fiscal changes
705 recommended by audit reports. The recommendations shall be
706 presented in two categories: one addressing substantive law and
707 policy issues and the other addressing budget issues. The
708 Auditor General may also transmit recommendations at other times
709 of the year when the information would be timely and useful for
710 the Legislature.

711 JOINT RULE SIX

712 OFFICE OF PROGRAM POLICY

713 ANALYSIS AND GOVERNMENT ACCOUNTABILITY

714 6.1--Responsibilities of the director

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

718 (2) The director shall prepare and submit annually to the
719 President of the Senate and the Speaker of the House of
720 Representatives for their joint approval the annual projected
721 work plan of the office in conjunction with a proposed operating
722 budget for the ensuing fiscal year.

723 (3) Within the monetary limitations of the approved
724 operating budget, the salaries and expenses of the director and
725 the staff of the Office of Program Policy Analysis and
726 Government Accountability shall be paid from the appropriation
727 for legislative expense or any other moneys appropriated by the
728 Legislature for that purpose. The director shall approve all

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729 bills for salaries and expenses before the same shall be paid.

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

734 (5) The director shall transmit to the President of the
735 Senate and the Speaker of the House of Representatives, by
736 December 1 of each year, a list of statutory and fiscal changes
737 recommended by office reports. The recommendations shall be
738 presented in two categories: one addressing substantive law and
739 policy issues and the other addressing budget issues. The
740 director may also transmit recommendations at other times of the
741 year when the information would be timely and useful for the
742 Legislature.

743 JOINT RULE SEVEN

744 JOINT LEGISLATIVE BUDGET COMMISSION

745 7.1--General Responsibilities

746 (1) The commission, as provided in chapter 216, Florida
747 Statutes, shall receive and review notices of budget and
748 personnel actions and proposed actions taken or to be taken by
749 the executive and judicial branches and shall approve or
750 disapprove such actions.

751 (2) Through the chairperson ~~chairman~~, the commission shall
752 advise the Governor and the Chief Justice of actions or proposed
753 actions that exceed delegated authority or that are contrary to
754 legislative policy and intent.

755 (3) To the extent possible, the commission shall inform
756 members of the Legislature of budget amendments requested by the

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757 executive or judicial branches.

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

761 (5) The President of the Senate and the Speaker of the
762 House of Representatives may jointly assign other
763 responsibilities to the commission in addition to those assigned
764 by law.

765 (6) The commission shall develop policies and procedures
766 necessary to carry out its assigned responsibilities.

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

770 ~~7.2 Zero based Budgeting~~

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

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

777 ~~(3) The commission shall provide these reviews to the~~
778 ~~President of the Senate and the Speaker of the House of~~
779 ~~Representatives by December 31 of the year in which they are~~
780 ~~completed.~~

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

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785 7.2 ~~7.3~~--Organizational Structure

786 (1) The commission shall be composed of seven members of
787 the Senate appointed by the President of the Senate and seven
788 members of the House of Representatives appointed by the Speaker
789 of the House of Representatives. ~~The appointees shall include~~
790 ~~the chairman of the Fiscal Responsibility Council in the House~~
791 ~~of Representatives and the chairman of the Committee on~~
792 ~~Appropriations in the Senate.~~

793 ~~(2) The members of the commission shall elect a chairman~~
794 ~~and a vice chairman. In even-numbered years, a Senator shall be~~
795 ~~chairman and a House member vice chairman. In odd-numbered~~
796 ~~years, a House member shall be chairman and a Senator vice~~
797 ~~chairman.~~

798 ~~(3) The commission shall meet at least quarterly and more~~
799 ~~frequently at the direction of the presiding officers or the~~
800 ~~chairman. Meetings may be conducted through teleconferences or~~
801 ~~other electronic means.~~

802 ~~(4) A quorum shall consist of a majority of the commission~~
803 ~~members of each house plus one additional member of the~~
804 ~~commission.~~

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

807 (2)(6) The commission shall be jointly staffed by the
808 appropriations committees of both houses. ~~During even-numbered~~
809 ~~years,~~ The Senate shall provide the lead staff when the
810 chairperson is a Senator. ~~During odd-numbered years,~~ The House
811 of Representatives shall provide the lead staff when the
812 chairperson is a Representative.

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813 7.3 ~~7.4~~--Notice of Commission Meetings

814 Not less than 7 days prior to a meeting of the commission,
815 a notice of the meeting, stating the items to be considered,
816 date, time, and place, shall be filed with the Secretary of the
817 Senate when the chairperson ~~chairman~~ is a Senator or with the
818 Chief Clerk of the House of Representatives when the chairperson
819 ~~chairman~~ is a Representative. The Secretary or the Chief Clerk
820 shall distribute notice to the Legislature and the public,
821 consistent with the rules and policies of their respective
822 houses.

823 7.4--Effect of Adoption; Intent

824 This Joint Rule Seven replaces all prior joint rules
825 governing the Joint Legislative Budget Commission and is
826 intended to implement constitutional provisions relating to the
827 Joint Legislative Budget Commission existing as of the date of
828 the rule's adoption.

829 JOINT RULE EIGHT

830 CONTINUING EXISTENCE OF JOINT RULES

831 ~~8.1~~ ~~Continuing Existence of Joint Rules~~

832 ~~All joint rules adopted by concurrent resolution, and~~
833 ~~amendments thereto, shall continue in effect from session to~~
834 ~~session or Legislature to Legislature until repealed by~~
835 ~~concurrent resolution.~~

836