

By Senator Thrasher

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Senate Concurrent Resolution

A concurrent resolution establishing the Joint Rules of the Florida Legislature for the 2010-2012 term.

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

That the following joint rules shall govern the Florida Legislature for the 2010-2012 term:

JOINT RULES

Joint Rule One—Lobbyist Registration and Compensation Reporting

1.1—Those Required to Register; Exemptions; Committee Appearance Records

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

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

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

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

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30 (c) "Legislative action" means introduction, sponsorship,
31 testimony, debate, voting, or any other official action on any
32 measure, resolution, amendment, nomination, appointment, or
33 report of, or any matter that may be the subject of action by,
34 either house of the Legislature or any committee thereof.

35 (d) "Lobby" or "lobbying" means influencing or attempting
36 to influence legislative action or nonaction through oral or
37 written communication or an attempt to obtain the goodwill of a
38 member or employee of the Legislature.

39 (e) "Lobbying firm" means any business entity, including an
40 individual contract lobbyist, that receives or becomes entitled
41 to receive any compensation for the purpose of lobbying and
42 where any partner, owner, officer, or employee of the business
43 entity is a lobbyist. "Lobbying firm" does not include an entity
44 that has employees who are lobbyists if the entity does not
45 derive compensation from principals for lobbying or if such
46 compensation is received exclusively from a subsidiary or
47 affiliate corporation of the employer. As used in this
48 paragraph, an affiliate corporation is a corporation that
49 directly or indirectly shares the same ultimate parent
50 corporation as the employer and does not receive compensation
51 for lobbying from any unaffiliated entity.

52 (f) "Lobbyist" means a person who is employed and receives
53 payment, or who contracts for economic consideration, for the
54 purpose of lobbying or a person who is principally employed for
55 governmental affairs by another person or governmental entity to
56 lobby on behalf of that other person or governmental entity. An
57 employee of the principal is not a "lobbyist" unless the
58 employee is principally employed for governmental affairs.

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59 "Principally employed for governmental affairs" means that one
60 of the principal or most significant responsibilities of the
61 employee to the employer is overseeing the employer's various
62 relationships with government or representing the employer in
63 its contacts with government. Any person employed by the
64 Governor, the Executive Office of the Governor, or any executive
65 or judicial department of the state or any community college of
66 the state who seeks to encourage the passage, defeat, or
67 modification of any legislation by personal appearance or
68 attendance before the House of Representatives or the Senate, or
69 any member or committee thereof, is a lobbyist.

70 (g) "Payment" or "salary" means wages or any other
71 consideration provided in exchange for services but does not
72 include reimbursement for expenses.

73 (h) "Principal" means the person, firm, corporation, or
74 other entity that has employed or retained a lobbyist. When an
75 association has employed or retained a lobbyist, the association
76 is the principal; the individual members of the association are
77 not principals merely because of their membership in the
78 association.

79 (i) "Unusual circumstances," with respect to any failure of
80 a person to satisfy a filing requirement, means uncommon, rare,
81 or sudden events over which the person has no control and which
82 directly result in the failure to satisfy the filing
83 requirement.

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

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

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

89 (c) Advice or services that arise out of a contractual
90 obligation with the Legislature, a member, a committee, any
91 staff, or any legislative entity to render the advice or
92 services where such obligation is fulfilled through the use of
93 public funds.

94 (d) Representation of a client before the House of
95 Representatives or the Senate, or any member or committee
96 thereof, when the client is subject to disciplinary action by
97 the House of Representatives or the Senate, or any member or
98 committee thereof.

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

101 (a) A member of the Legislature.

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

103 (c) A judge who is acting in that judge's official
104 capacity.

105 (d) A person who is a state officer holding elective office
106 or an officer of a political subdivision of the state holding
107 elective office and who is acting in that officer's official
108 capacity.

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

112 (f) A person employed by any executive or judicial
113 department of the state or any community college of the state
114 who makes a personal appearance or attendance before the House
115 of Representatives or the Senate, or any member or committee
116 thereof, while that person is on approved leave or outside

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117 normal working hours and who does not otherwise meet the
118 definition of lobbyist.

119 (5) When a person, regardless of whether the person is
120 registered as a lobbyist, appears before a committee of the
121 Legislature, that person must submit a Committee Appearance
122 Record as required by the respective house.

123 (6) The responsibilities of the division and of the
124 Lobbyist Registration Office under Joint Rule One may be
125 assigned to another entity by agreement of the President of the
126 Senate and the Speaker of the House of Representatives for a
127 contract period not to extend beyond December 1 following the
128 Organization Session of the next biennium, provided that the
129 powers and duties of the President, the Speaker, the General
130 Counsel of the Office of Legislative Services, and any
131 legislative committee referenced in Joint Rule One may not be
132 delegated.

133

134 1.2-Method of Registration

135 (1) Each person who is required to register must register
136 on forms furnished by the Lobbyist Registration Office, on which
137 that person must state, under oath, that person's full legal
138 name, business address, and telephone number, the name and
139 business address of each principal that person represents, and
140 the extent of any direct business association or partnership
141 that person has with any member of the Legislature. In addition,
142 if the lobbyist is a partner, owner, officer, or employee of a
143 lobbying firm, the lobbyist must state the name, address, and
144 telephone number of each lobbying firm to which the lobbyist
145 belongs. The Lobbyist Registration Office or its designee is

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146 authorized to acknowledge the oath of any person who registers
147 in person. Any changes to the information provided in the
148 registration form must be reported to the Lobbyist Registration
149 Office in writing within 15 days on forms furnished by the
150 Lobbyist Registration Office.

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

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

166 (4) A lobbyist shall promptly send a notice to the Lobbyist
167 Registration Office, on forms furnished by the Lobbyist
168 Registration Office, canceling the registration for a principal
169 upon termination of the lobbyist's representation of that
170 principal. A notice of cancellation takes effect the day it is
171 received by the Lobbyist Registration Office. Notwithstanding
172 this requirement, the Lobbyist Registration Office may remove
173 the name of a lobbyist from the list of registered lobbyists if
174 the principal notifies the Lobbyist Registration Office that the

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175 lobbyist is no longer authorized to represent that principal.

176 (5) The Lobbyist Registration Office shall retain all
177 original registration documents submitted under this rule.

178 (6) A person who is required to register under Joint Rule
179 One, or who chooses to register, shall be considered a lobbyist
180 of the Legislature for the purposes of ss. 11.045, 112.3148, and
181 112.3149, Florida Statutes.

182 183 1.3-Registration Costs; Exemptions

184 (1) To cover the costs incurred in administering Joint Rule
185 One, each person who registers under Joint Rule 1.1 must pay an
186 annual registration fee to the Lobbyist Registration Office. The
187 annual period runs from January 1 to December 31. These fees
188 must be paid at the time of registration.

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

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

194 (b) Two employees of the Fish and Wildlife Conservation
195 Commission.

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

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

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

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

201 (3) The annual fee is up to \$50 per each house for a person
202 to register to represent one principal and up to an additional
203 \$10 per house for each additional principal that the person

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204 registers to represent. The amount of each fee shall be
205 established annually by the President of the Senate and the
206 Speaker of the House of Representatives. The fees set shall be
207 adequate to ensure operation of the lobbyist registration and
208 reporting operations of the Lobbyist Registration Office. The
209 fees collected by the Lobbyist Registration Office under this
210 rule shall be deposited in the State Treasury and credited to
211 the Legislative Lobbyist Registration Trust Fund specifically to
212 cover the costs incurred in administering Joint Rule One.

213

214 1.4-Reporting of Lobbying Firm Compensation

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

219 1. Full name, business address, and telephone number of the
220 lobbying firm;

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

222 3. Total compensation provided or owed to the lobbying firm
223 from all principals for the reporting period, reported in one of
224 the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999;
225 \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to
226 \$999,999; or \$1 million or more.

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

230 1. Full name, business address, and telephone number of the
231 principal; and

232 2. Total compensation provided or owed to the lobbying firm

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233 for the reporting period, reported in one of the following
234 categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to
235 \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or
236 more. If the category "\$50,000 or more" is selected, the
237 specific dollar amount of compensation must be reported, rounded
238 up or down to the nearest \$1,000.

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

241 1. The lobbying firm providing the work to be subcontracted
242 shall be treated as the reporting lobbying firm's principal for
243 reporting purposes under this paragraph; and

244 2. The reporting lobbying firm shall, for each lobbying
245 firm identified as the reporting lobbying firm's principal under
246 paragraph (b), identify the name and address of the principal
247 originating the lobbying work.

248 (d) The senior partner, officer, or owner of the lobbying
249 firm shall certify to the veracity and completeness of the
250 information submitted pursuant to this rule; certify that no
251 compensation has been omitted from this report by deeming such
252 compensation as "consulting services," "media services,"
253 "professional services," or anything other than compensation;
254 and certify that no officer or employee of the firm has made an
255 expenditure in violation of s. 11.045, Florida Statutes, as
256 amended by chapter 2005-359, Laws of Florida.

257 (2) For each principal represented by more than one
258 lobbying firm, the division shall aggregate the reporting-period
259 and calendar-year compensation reported as provided or owed by
260 the principal. Compensation reported within a category shall be
261 aggregated as follows:

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

(3) The reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Reporting statements shall be filed by electronic means through the electronic filing system developed by the division, conforming to subsection (4).

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

(a) As used in this rule, the term "electronic filing

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283 system" means an Internet system for recording and reporting
284 lobbying compensation and other required information by
285 reporting period.

286 (b) A report filed pursuant to this rule must be completed
287 and filed through the electronic filing system not later than
288 11:59 p.m. of the day designated in subsection (3). A report not
289 filed by 11:59 p.m. of the day designated is a late-filed report
290 and is subject to the penalties under Joint Rule 1.5(1).

291 (c) Each person given secure sign-on credentials to file
292 via the electronic filing system is responsible for protecting
293 the credentials from disclosure and is responsible for all
294 filings made by use of such credentials, unless and until the
295 division is notified that the person's credentials have been
296 compromised. Each report filed by electronic means pursuant to
297 this rule shall be deemed certified in accordance with paragraph
298 (1)(d) by the person given the secure sign-on credentials and,
299 as such, subjects the person and the lobbying firm to the
300 provisions of s. 11.045(8), Florida Statutes, as well as any
301 discipline provided under the rules of the Senate or House of
302 Representatives.

303 (d) The electronic filing system shall:

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

305 2. Be accessible by anyone with Internet access using
306 standard web-browsing software.

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

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

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312 5. Provide for the issuance of an electronic receipt to the
313 person submitting the report indicating and verifying the date
314 and time that the report was filed.

315 (5) The division shall provide reasonable public notice of
316 the electronic filing procedures and of any significant changes
317 in such procedures. If, whenever they deem it necessary, the
318 President of the Senate and the Speaker of the House of
319 Representatives jointly declare the electronic system not to be
320 operable, the reports shall be filed in the manner required
321 prior to April 1, 2007, as provided by House Concurrent
322 Resolution 7011 (2007), enrolled, unless the President of the
323 Senate and the Speaker of the House of Representatives direct
324 use of an alternate means of reporting. The division shall
325 develop and maintain such alternative means as may be
326 practicable. Public notice of changes in filing procedures and
327 any declaration or direction of the President of the Senate and
328 the Speaker of the House of Representatives may be provided by
329 publication for a continuous period of reasonable time on one or
330 more Internet websites maintained by the Senate and the House of
331 Representatives.

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333 1.5-Failure to File Timely Compensation Report; Notice and
334 Assessment of Fines; Appeals

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

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341 (2) Upon receipt of the report, the person designated to
342 review the timeliness of reports shall determine the amount of
343 the fine based on when the report is actually received by the
344 division or when the electronic receipt issued by the electronic
345 filing system is dated, whichever is earlier.

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

351 (4) A fine shall not be assessed against a lobbying firm
352 the first time the report for which the lobbying firm is
353 responsible is not timely filed. However, to receive the one-
354 time fine waiver, the report for which the lobbying firm is
355 responsible must be filed within 30 days after notice that the
356 report has not been timely filed is transmitted by the person
357 designated to review the timeliness of reports. A fine shall be
358 assessed for any subsequent late-filed reports.

359 (5) Any lobbying firm may appeal or dispute a fine, based
360 upon unusual circumstances surrounding the failure to file on
361 the designated due date, and may request and shall be entitled
362 to a hearing before the General Counsel of the Office of
363 Legislative Services, who shall recommend to the President of
364 the Senate and the Speaker of the House of Representatives, or
365 their respective designees, that the fine be waived in whole or
366 in part for good cause shown. The President of the Senate and
367 the Speaker of the House of Representatives, or their respective
368 designees, may by joint agreement concur in the recommendation
369 and waive the fine in whole or in part. Any such request shall

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370 be made within 30 days after the notice of payment due is
371 transmitted by the person designated to review the timeliness of
372 reports. In such case, the lobbying firm shall, within the 30-
373 day period, notify the person designated to review the
374 timeliness of reports in writing of his or her intention to
375 request a hearing.

376 (6) A lobbying firm may request that the filing of a report
377 be waived upon good cause shown, based on unusual circumstances.
378 The request must be filed with the General Counsel of the Office
379 of Legislative Services, who shall make a recommendation
380 concerning the waiver request to the President of the Senate and
381 the Speaker of the House of Representatives. The President of
382 the Senate and the Speaker of the House of Representatives may,
383 by joint agreement, grant or deny the request.

384 (7) (a) All lobbyist registrations for lobbyists who are
385 partners, owners, officers, or employees of a lobbying firm that
386 fails to timely pay a fine are automatically suspended until the
387 fine is paid or waived and all late reports have been filed or
388 waived. The division shall promptly notify all affected
389 principals, the President of the Senate, and the Speaker of the
390 House of Representatives of any suspension or reinstatement. All
391 lobbyists who are partners, owners, officers, or employees of a
392 lobbying firm are jointly and severally liable for any
393 outstanding fine owed by a lobbying firm.

394 (b) No such lobbyist may be reinstated in any capacity
395 representing any principal until the fine is paid and all late
396 reports have been filed or waived or until the fine is waived as
397 to that lobbyist and all late reports for that lobbyist have
398 been filed or waived. A suspended lobbyist may request a waiver

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399 upon good cause shown, based on unusual circumstances. The
400 request must be filed with the General Counsel of the Office of
401 Legislative Services who shall, as soon as practicable, make a
402 recommendation concerning the waiver request to the President of
403 the Senate and the Speaker of the House of Representatives. The
404 President of the Senate and the Speaker of the House of
405 Representatives may, by joint agreement, grant or deny the
406 request.

407 (8) The person designated to review the timeliness of
408 reports shall notify the director of the division of the failure
409 of a lobbying firm to file a report after notice or of the
410 failure of a lobbying firm to pay the fine imposed.

411

412 1.6-Open Records; Internet Publication of Registrations and
413 Compensation Reports

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

418 (2) The division shall make information filed pursuant to
419 Joint Rules 1.2 and 1.4 reasonably available on the Internet in
420 an easily understandable and accessible format. The Internet
421 website shall include, but not be limited to, the names and
422 business addresses of lobbyists, lobbying firms, and principals,
423 the affiliations between lobbyists and principals, and the
424 classification system designated and identified with respect to
425 principals pursuant to Joint Rule 1.2.

426

427 1.7-Records Retention and Inspection and Complaint Procedure

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

432 (2) Upon receipt of a complaint based upon the personal
433 knowledge of the complainant made pursuant to the Senate Rules
434 or Rules of the House of Representatives, any such documents and
435 records may be inspected when authorized by the President of the
436 Senate or the Speaker of the House of Representatives, as
437 applicable. The person authorized to perform the inspection
438 shall be designated in writing and shall be a member of The
439 Florida Bar or a certified public accountant licensed in
440 Florida. Any information obtained by such an inspection may only
441 be used for purposes authorized by law, this Joint Rule One,
442 Senate Rules, or Rules of the House of Representatives, which
443 purposes may include the imposition of sanctions against a
444 person subject to Joint Rule One, the Senate Rules, or the Rules
445 of the House of Representatives. Any employee who uses that
446 information for an unauthorized purpose is subject to
447 discipline. Any member who uses that information for an
448 unauthorized purpose is subject to discipline under the
449 applicable rules of each house.

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

452

453 1.8-Questions Regarding Interpretation of this Joint Rule One

454 (1) A person may request in writing an informal opinion
455 from the General Counsel of the Office of Legislative Services
456 as to the application of this Joint Rule One to a specific

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457 situation involving that person's conduct. The General Counsel
458 shall issue the opinion within 10 days after receiving the
459 request. The informal opinion may be relied upon by the person
460 who requested the informal opinion. A copy of each informal
461 opinion that is issued shall be provided to the presiding
462 officer of each house. A committee of either house designated
463 pursuant to s. 11.045(5), Florida Statutes, may revise any
464 informal opinion rendered by the General Counsel through an
465 advisory opinion to the person who requested the informal
466 opinion. The advisory opinion shall supersede the informal
467 opinion as of the date the advisory opinion is issued.

468 (2) A person in doubt about the applicability or
469 interpretation of this Joint Rule One with respect to that
470 person's conduct may submit in writing the facts for an advisory
471 opinion to the committee of either house designated pursuant to
472 section 11.045(5), Florida Statutes, and may appear in person
473 before the committee in accordance with s. 11.045(5), Florida
474 Statutes.

475
476 1.9—Effect of Readoption and Revision

477 All obligations existing under Joint Rule One as of the last day
478 of the previous legislative biennium are hereby ratified,
479 preserved, and reimposed pursuant to the terms thereof as of
480 that date. The provisions of Joint Rule One are imposed
481 retroactively to the first day of the present legislative
482 biennium except that provisions new to this revision are
483 effective on the date of adoption or as otherwise expressly
484 provided herein.

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486 Joint Rule Two—General Appropriations Review Period

487

488 2.1—General Appropriations and Related Bills; Review Periods

489 (1) A general appropriations bill shall be subject to a 72-
490 hour public review period before a vote is taken on final
491 passage of the bill in the form that will be presented to the
492 Governor.

493 (2) If a bill is returned to the house in which the bill
494 originated and the originating house does not concur in all the
495 amendments or adds additional amendments, no further action
496 shall be taken on the bill by the nonoriginating house, and a
497 conference committee shall be established by operation of this
498 rule to consider the bill.

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

503 (4) A copy of the bill, a copy of the bill with amendments
504 adopted by the nonoriginating house, or the conference committee
505 report shall be furnished to each member of the Legislature, the
506 Governor, the Chief Justice of the Supreme Court, and each
507 member of the Cabinet. Copies for the Governor, Chief Justice,
508 and members of the Cabinet shall be furnished to the official's
509 office in the Capitol or Supreme Court Building.

510 (5) (a) Copies required to be furnished under subsection (4)
511 shall be furnished to members of the Legislature as follows:

512 1. A printed copy may be placed on each member's desk in
513 the appropriate chamber; or

514 2. An electronic copy may be furnished to each member. The

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515 Legislature hereby deems and determines that a copy shall have
516 been furnished to the members of the Legislature when an
517 electronic copy is made available to every member of the
518 Legislature. An electronic copy is deemed to have been made
519 available when it is accessible via the Internet or other
520 information network consisting of systems ordinarily serving the
521 members of the Senate or the House of Representatives.

522 (b) An official other than a member of the Legislature who
523 is to be furnished a copy of a general appropriations bill under
524 subsection (4) may officially request that an electronic copy of
525 the bill be furnished in lieu of a printed copy, and, if
526 practicable, the copy may be furnished to the official in the
527 manner requested.

528 (6) The Secretary of the Senate shall be responsible for
529 furnishing copies under this rule for Senate bills, House bills
530 as amended by the Senate, and conference committee reports on
531 Senate bills. The Clerk of the House shall be responsible for
532 furnishing copies under this rule for House bills, Senate bills
533 as amended by the House, and conference committee reports on
534 House bills.

535 (7) The 72-hour public review period shall begin to run
536 upon completion of the furnishing of copies required to be
537 furnished under subsection (4). The Speaker of the House of
538 Representatives and the President of the Senate, as appropriate,
539 shall be informed of the completion time, and such time shall be
540 announced on the floor prior to vote on final passage in each
541 house and shall be entered in the journal of each house.
542 Saturdays, Sundays, and holidays shall be included in the
543 computation under this rule.

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544 (8) An implementing or conforming bill recommended by a
545 conference committee shall be subject to a 24-hour public review
546 period before a vote is taken on the conference committee report
547 by either house, if the conference committee submits its report
548 after the furnishing of a general appropriations bill to which
549 the 72-hour public review period applies.

550 (9) With respect to each bill that may be affected, a
551 member of the Senate or the House of Representatives may not
552 raise a point of order under this rule after a vote is taken on
553 the bill. Except as may be required by the Florida Constitution,
554 noncompliance with any requirement of this rule may be waived by
555 a two-thirds vote of those members present and voting in each
556 house.

557 2.2-General Appropriations and Related Bills; Definitions

558 As used in Joint Rule Two, the term:

559 (1) "Conforming bill" means a bill that amends the Florida
560 Statutes to conform to a general appropriations bill.

561 (2) "General appropriations bill" means a bill that
562 provides for the salaries of public officers and other current
563 expenses of the state and contains no subject other than
564 appropriations. A bill that contains appropriations that are
565 incidental and necessary solely to implement a substantive law
566 is not included within this term. For the purposes of Joint Rule
567 Two and Section 19(d) of Article III of the Florida
568 Constitution, the Legislature hereby determines that, after a
569 general appropriations bill has been enacted and establishes
570 governing law for a particular fiscal year, a bill considered in
571 any subsequent session that makes net reductions in such enacted
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573 appropriations or that makes supplemental appropriations shall
574 not be deemed to be a general appropriations bill unless such
575 bill provides for the salaries of public officers and other
576 current expenses of the state for a subsequent fiscal year.

577 (3) "Implementing bill" means a bill, effective for one
578 fiscal year, implementing a general appropriations bill.

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580 Joint Rule Three—Joint Offices and Policies

581

582 3.1—Joint Legislative Offices

583 (1) The following offices of the Legislature are
584 established:

585 (a) Office of Economic and Demographic Research.

586 (b) Office of Legislative Information Technology Services.

587 (c) Office of Legislative Services.

588 (d) Office of Program Policy Analysis and Government
589 Accountability.

590 (2) Offices established under this rule shall provide
591 support services to the Legislature that are determined by the
592 President of the Senate and the Speaker of the House of
593 Representatives to be necessary and that can be effectively
594 provided jointly to both houses and other units of the
595 Legislature. Each office shall be directed by a coordinator
596 selected by and serving at the pleasure of the President of the
597 Senate and the Speaker of the House of Representatives. Upon the
598 initial adoption of these joint rules in a biennium, each
599 coordinator position shall be deemed vacant until an appointment
600 is made.

601 (3) Within the monetary limitations of the approved

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602 operating budget, the salaries and expenses of the coordinator
603 and the staff of each office shall be governed by joint
604 policies.

605 (4) The Office of Legislative Services shall provide
606 legislative support services other than those prescribed in
607 subsections (5)-(7). The Division of Statutory Revision and the
608 Division of Legislative Information shall be two of the
609 divisions within the Office of Legislative Services.

610 (5) The Office of Legislative Information Technology
611 Services shall provide support services to assist the
612 Legislature in achieving its objectives through the application
613 of cost-effective information technology.

614 (6) The Office of Economic and Demographic Research shall
615 provide research support services, principally regarding
616 forecasting economic and social trends that affect policymaking,
617 revenues, and appropriations.

618 (7) The Office of Program Policy Analysis and Government
619 Accountability shall:

620 (a) Perform independent examinations, program reviews, and
621 other projects as provided by general law, as provided by
622 concurrent resolution, as directed by the Legislative Auditing
623 Committee, or as directed by the President of the Senate or the
624 Speaker of the House and shall provide recommendations,
625 training, or other services to assist the Legislature.

626 (b) Transmit to the President of the Senate and the Speaker
627 of the House of Representatives, by December 1 of each year, a
628 list of statutory and fiscal changes recommended by office
629 reports. The recommendations shall be presented in two
630 categories: one addressing substantive law and policy issues and

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631 the other addressing budget issues.

632

633 3.2-Joint Policies

634 (1) The President of the Senate and the Speaker of the
635 House of Representatives shall jointly adopt policies they
636 consider advisable to carry out the functions of the
637 Legislature. Such policies shall be binding on all employees of
638 joint offices and joint committees.

639 (2) The employees of all joint committees and joint
640 legislative offices shall be under the exclusive control of the
641 Legislature. No officer or agency in the executive or judicial
642 branch shall exercise any manner of control over legislative
643 employees with respect to the exercise of their duties or the
644 terms and conditions of their employment.

645

646 Joint Rule Four-Joint Committees

647

648 4.1-Standing Joint Committees

649 (1) The following standing joint committees are
650 established:

651 (a) Administrative Procedures Committee.

652 (b) Committee on Public Counsel Oversight.

653 (c) Legislative Auditing Committee.

654 (2) No other joint committee shall exist except as agreed
655 to by the presiding officers or by concurrent resolution
656 approved by the Senate and the House of Representatives.

657 (3) Appointments to each standing joint committee shall be
658 made or altered and vacancies shall be filled by the Senate and
659 the House of Representatives in accordance with their respective

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660 rules. There shall be appointed to each standing joint committee
661 no fewer than five and no more than seven members from each
662 house.

663 (4) (a) The President of the Senate shall appoint a member
664 of the Senate to serve as the chair, and the Speaker of the
665 House of Representatives shall appoint a member of the House of
666 Representatives to serve as the vice chair for:

667 1. The Legislative Auditing Committee and the Committee on
668 Public Counsel Oversight, for the period from the Organization
669 Session until noon on December 1 of the calendar year following
670 the general election.

671 2. The Administrative Procedures Committee for the period
672 from noon on December 1 of the calendar year following the
673 general election until the next general election.

674 (b) The Speaker of the House of Representatives shall
675 appoint a member of the House of Representatives to serve as the
676 chair, and the President of the Senate shall appoint a member of
677 the Senate to serve as the vice chair for:

678 1. The Legislative Auditing Committee and the Committee on
679 Public Counsel Oversight, for the period from noon on December 1
680 of the calendar year following the general election until the
681 next general election.

682 2. The Administrative Procedures Committee for the period
683 from the Organization Session until noon on December 1 of the
684 calendar year following the general election.

685 (c) A vacancy in an appointed chair or vice chair shall be
686 filled in the same manner as the original appointment.

687

688 4.2-~~Procedures~~ in Joint Committees

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689 The following rules shall govern procedures in joint committees
690 other than conference committees:

691 (1) A quorum for a joint committee shall be a majority of
692 the appointees of each house. No business of any type may be
693 conducted in the absence of a quorum.

694 (2) (a) Joint committees shall meet only within the dates,
695 times, and locations authorized by both the President of the
696 Senate and the Speaker of the House of Representatives.

697 (b) Joint committee meetings shall meet at the call of the
698 chair. In the absence of the chair, the vice chair shall assume
699 the duty to convene and preside over meetings and such other
700 duties as provided by law or joint rule. During a meeting
701 properly convened, the presiding chair may temporarily assign
702 the duty to preside at that meeting to another joint committee
703 member until the assignment is relinquished or revoked.

704 (c) Before any joint committee may hold a meeting, a notice
705 of such meeting shall be provided to the Secretary of the Senate
706 and the Clerk of the House of Representatives no later than 4:30
707 p.m. of the 7th day before the meeting. For purposes of
708 effecting notice to members of the house to which the chair does
709 not belong, notice to the Secretary of the Senate shall be
710 deemed notice to members of the Senate and notice to the Clerk
711 of the House shall be deemed notice to members of the House of
712 Representatives. Noticed meetings may be canceled by the chair
713 with the approval of at least one presiding officer.

714 (d) If a majority of its members from each house agree, a
715 joint committee may continue a properly noticed meeting after
716 the expiration of the time called for the meeting. However, a
717 joint committee may not meet beyond the time authorized by the

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718 presiding officers without special leave granted by both
719 presiding officers.

720 (3) The presiding officers shall interpret, apply, and
721 enforce rules governing joint committees by agreement when the
722 rule at issue is a joint rule. Unless otherwise determined or
723 overruled by an agreement of the presiding officers, the chair
724 shall determine all questions of order arising in joint
725 committee meetings, but such determinations may be appealed to
726 the committee during the meeting.

727 (4) Each question, including any appeal of a ruling of the
728 chair, shall be decided by a majority vote of the members of the
729 joint committee of each house present and voting.

730

731 4.3-Powers of Joint Committees

732 (1) A joint committee may exercise the subpoena powers
733 vested by law in a standing committee of the Legislature. A
734 subpoena issued under this rule must be approved and signed by
735 the President of the Senate and the Speaker of the House of
736 Representatives and attested by the Secretary of the Senate and
737 the Clerk of the House.

738 (2) A joint committee may adopt rules of procedure that do
739 not conflict with the Florida Constitution or any law or joint
740 rule, subject to the joint approval of the President of the
741 Senate and the Speaker of the House of Representatives.

742 (3) A joint committee may not create subcommittees or
743 workgroups unless authorized by both presiding officers.

744

745 4.4-Administration of Joint Committees

746 (1) Within the monetary limitations of the approved

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747 operating budget, the expenses of the members and the salaries
748 and expenses of the staff of each joint committee shall be
749 governed by joint policies adopted under Joint Rule 3.2. Within
750 such operating budget, the chair of each joint committee shall
751 approve all authorized member expenses.

752 (2) Subject to joint policies adopted under Joint Rule 3.2,
753 the presiding officers shall appoint and remove the staff
754 director and, if needed, a general counsel and any other staff
755 necessary to assist each joint committee. All joint committee
756 staff shall serve at the pleasure of the presiding officers.
757 Upon the initial adoption of these joint rules in a biennium,
758 each joint committee staff director position shall be deemed
759 vacant until an appointment is made.

760
761 4.5—Special Powers and Duties of the Legislative Auditing
762 Committee

763 (1) The Legislative Auditing Committee may direct the
764 Auditor General or the Office of Program Policy Analysis and
765 Government Accountability to conduct an audit, review, or
766 examination of any entity or record described in s. 11.45(2) or
767 (3), Florida Statutes.

768 (2) The Legislative Auditing Committee may receive requests
769 for audits and reviews from legislators and any audit request,
770 petition for audit, or other matter for investigation directed
771 or referred to it pursuant to general law. The committee may
772 make any appropriate disposition of such requests or referrals
773 and shall, within a reasonable time, report to the requesting
774 party the disposition of any audit request.

775 (3) The Legislative Auditing Committee may review the

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776 performance of the Auditor General and report thereon to the
777 Senate and the House of Representatives.

778

779 4.6—Special Powers and Duties of the Administrative Procedures
780 Committee

781 The Administrative Procedures Committee shall:

782 (1) Maintain a continuous review of the statutory authority
783 on which each administrative rule is based and, whenever such
784 authority is eliminated or significantly changed by repeal,
785 amendment, holding by a court of last resort, or other factor,
786 advise the agency concerned of the fact.

787 (2) Maintain a continuous review of administrative rules
788 and identify and request an agency to repeal any rule or any
789 provision of any rule that reiterates or paraphrases any statute
790 or for which the statutory authority has been repealed.

791 (3) Review administrative rules and advise the agencies
792 concerned of its findings.

793 (4) Exercise the duties prescribed by chapter 120, Florida
794 Statutes, concerning the adoption and promulgation of rules.

795 (5) Generally review agency action pursuant to the
796 operation of chapter 120, Florida Statutes, the Administrative
797 Procedure Act.

798 (6) Report to the President of the Senate and the Speaker
799 of the House of Representatives at least annually, no later than
800 the first week of the regular session, and recommend needed
801 legislation or other appropriate action. Such report shall
802 include the number of objections voted by the committee, the
803 number of suspensions recommended by the committee, the number
804 of administrative determinations filed on the invalidity of a

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805 proposed or existing rule, the number of petitions for judicial
806 review filed on the invalidity of a proposed or existing rule,
807 and the outcomes of such actions. Such report shall also include
808 any recommendations provided to the standing committees during
809 the preceding year under subsection (11).

810 (7) Consult regularly with legislative standing committees
811 that have jurisdiction over the subject areas addressed in
812 agency proposed rules regarding legislative authority for the
813 proposed rules and other matters relating to legislative
814 authority for agency action.

815 (8) Subject to the approval of the President of the Senate
816 and the Speaker of the House of Representatives, have standing
817 to seek judicial review, on behalf of the Legislature or the
818 citizens of this state, of the validity or invalidity of any
819 administrative rule to which the committee has voted an
820 objection and that has not been withdrawn, modified, repealed,
821 or amended to meet the objection. Judicial review under this
822 subsection may not be initiated until the Governor and the head
823 of the agency making the rule to which the committee has
824 objected have been notified of the committee's proposed action
825 and have been given a reasonable opportunity, not to exceed 60
826 days, for consultation with the committee. The committee may
827 expend public funds from its appropriation for the purpose of
828 seeking judicial review.

829 (9) Maintain a continuous review of the administrative
830 rulemaking process, including a review of agency procedure and
831 of complaints based on such agency procedure.

832 (10) Establish measurement criteria to evaluate whether
833 agencies are complying with the delegation of legislative

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834 authority in adopting and implementing rules.

835 (11) Maintain a continuous review of statutes that
836 authorize agencies to adopt rules and shall make recommendations
837 to the appropriate standing committees of the Senate and the
838 House of Representatives as to the advisability of considering
839 changes to the delegated legislative authority to adopt rules in
840 specific circumstances.

841

842 4.7—Special Powers and Duties of the Committee on Public Counsel
843 Oversight

844 (1) The Committee on Public Counsel Oversight shall appoint
845 a Public Counsel.

846 (2) The Committee on Public Counsel Oversight may file a
847 complaint with the Commission on Ethics alleging a violation of
848 chapter 350, Florida Statutes, by a current or former public
849 service commissioner, an employee of the Public Service
850 Commission, or a member of the Public Service Commission
851 Nominating Council.

852 (3) Notwithstanding Joint Rule 4.4(2), the Committee on
853 Public Counsel Oversight shall not have any permanent staff but
854 shall be served as needed by other legislative staff selected by
855 the President of the Senate and the Speaker of the House of
856 Representatives.

857

858 Joint Rule Five—Auditor General

859

860 5.1—Rulemaking Authority

861 The Auditor General shall make and enforce reasonable rules and
862 regulations necessary to facilitate audits that he or she is

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863 authorized to perform.

864

865 5.2—Budget and Accounting

866 (1) The Auditor General shall prepare and submit annually
867 to the President of the Senate and the Speaker of the House of
868 Representatives for their joint approval a proposed budget for
869 the ensuing fiscal year.

870 (2) Within the limitations of the approved operating
871 budget, the salaries and expenses of the Auditor General and the
872 staff of the Auditor General shall be paid from the
873 appropriation for legislative expenses or any other moneys
874 appropriated by the Legislature for that purpose. The Auditor
875 General shall approve all bills for salaries and expenses for
876 his or her staff before the same shall be paid.

877

878 5.3—Audit Report Distribution

879 (1) A copy of each audit report shall be submitted to the
880 Governor, to the Chief Financial Officer, and to the officer or
881 person in charge of the state agency or political subdivision
882 audited. One copy shall be filed as a permanent public record in
883 the office of the Auditor General. In the case of county
884 reports, one copy of the report of each county office, school
885 district, or other district audited shall be submitted to the
886 board of county commissioners of the county in which the audit
887 was made and shall be filed in the office of the clerk of the
888 circuit court of that county as a public record. When an audit
889 is made of the records of the district school board, a copy of
890 the audit report shall also be filed with the district school
891 board, and thereupon such report shall become a part of the

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892 public records of such board.

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

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

898 (4) Other copies may be furnished to other persons who, in
899 the opinion of the Auditor General, are directly interested in
900 the audit or who have a duty to perform in connection therewith.

901 (5) The Auditor General shall transmit to the President of
902 the Senate and the Speaker of the House of Representatives, by
903 December 1 of each year, a list of statutory and fiscal changes
904 recommended by audit reports. The recommendations shall be
905 presented in two categories: one addressing substantive law and
906 policy issues and the other addressing budget issues. The
907 Auditor General may also transmit recommendations at other times
908 of the year when the information would be timely and useful for
909 the Legislature.

910 (6) A copy required to be provided under this rule may be
911 provided in an electronic or other digital format if the Auditor
912 General determines that the intended recipient has appropriate
913 resources to review the copy. Copies to members, committees, and
914 offices of the Legislature shall be provided in electronic
915 format as may be provided in joint policies adopted under Joint
916 Rule 3.2.

917

918 Joint Rule Six—Joint Legislative Budget Commission

919

920 6.1—General Responsibilities

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921 (1) The commission, as provided in chapter 216, Florida
922 Statutes, shall receive and review notices of budget and
923 personnel actions taken or proposed to be taken by the executive
924 and judicial branches and shall approve or disapprove such
925 actions.

926 (2) Through its chair, the commission shall advise the
927 Governor and the Chief Justice of actions or proposed actions
928 that exceed delegated authority or that are contrary to
929 legislative policy and intent.

930 (3) To the extent possible, the commission shall inform
931 members of the Legislature of budget amendments requested by the
932 executive or judicial branches.

933 (4) The commission shall consult with the Chief Financial
934 Officer and the Executive Office of the Governor on matters as
935 required by chapter 216, Florida Statutes.

936 (5) The President of the Senate and the Speaker of the
937 House of Representatives may jointly assign other
938 responsibilities to the commission in addition to those assigned
939 by law.

940 (6) The commission shall develop policies and procedures
941 necessary to carry out its assigned responsibilities, subject to
942 the joint approval of the President of the Senate and the
943 Speaker of the House of Representatives.

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

947

948 6.2—Organizational Structure

949 (1) The commission is not subject to Joint Rule Four. The

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950 commission shall be composed of seven members of the Senate
951 appointed by the President of the Senate and seven members of
952 the House of Representatives appointed by the Speaker of the
953 House of Representatives.

954 (2) The commission shall be jointly staffed by the
955 appropriations committees of both houses. The Senate shall
956 provide the lead staff when the chair of the commission is a
957 member of the Senate. The House of Representatives shall provide
958 the lead staff when the chair of the commission is a member of
959 the House of Representatives.

960

961 6.3-Notice of Commission Meetings

962 Not less than 7 days prior to a meeting of the commission, a
963 notice of the meeting, stating the items to be considered, date,
964 time, and place, shall be filed with the Secretary of the Senate
965 when the chair of the commission is a member of the Senate or
966 with the Clerk of the House when the chair of the commission is
967 a member of the House of Representatives. The Secretary of the
968 Senate or the Clerk of the House shall distribute notice to the
969 Legislature and the public, consistent with the rules and
970 policies of their respective houses.

971

972 6.4-Effect of Adoption; Intent

973 This Joint Rule Six replaces all prior joint rules governing the
974 Joint Legislative Budget Commission and is intended to implement
975 constitutional provisions relating to the Joint Legislative
976 Budget Commission existing as of the date of the rule's
977 adoption.