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House Concurrent Resolution

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

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

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

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
40 an individual contract lobbyist, that receives or becomes
41 entitled to receive any compensation for the purpose of lobbying
42 and where any partner, owner, officer, or employee of the
43 business entity is a lobbyist. "Lobbying firm" does not include
44 an entity that has employees who are lobbyists if the entity
45 does not derive compensation from principals for lobbying or if
46 such 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

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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.
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
80 of a person to satisfy a filing requirement, means uncommon,
81 rare, or sudden events over which the person has no control and
82 which directly result in the failure to satisfy the filing
83 requirement.

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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.

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

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

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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
 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

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

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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
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
185 Rule One, each person who registers under Joint Rule 1.1 must
186 pay an annual registration fee to the Lobbyist Registration
187 Office. The annual period runs from January 1 to December 31.
188 These fees 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.

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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
199 Commission.

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

202 (3) The annual fee is up to \$50 per each house for a
203 person to register to represent one principal and up to an
204 additional \$10 per house for each additional principal that the
205 person registers to represent. The amount of each fee shall be
206 established annually by the President of the Senate and the
207 Speaker of the House of Representatives. The fees set shall be
208 adequate to ensure operation of the lobbyist registration and
209 reporting operations of the Lobbyist Registration Office. The
210 fees collected by the Lobbyist Registration Office under this
211 rule shall be deposited in the State Treasury and credited to
212 the Legislative Lobbyist Registration Trust Fund specifically to
213 cover the costs incurred in administering Joint Rule One.

214

215 1.4-Reporting of Lobbying Firm Compensation

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

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

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

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223 3. Total compensation provided or owed to the lobbying
224 firm from all principals for the reporting period, reported in
225 one of the following categories: \$0; \$1 to \$49,999; \$50,000 to
226 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to
227 \$999,999; or \$1 million or more.

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

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

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

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

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

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

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

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251 information submitted pursuant to this rule; certify that no
 252 compensation has been omitted from this report by deeming such
 253 compensation as "consulting services," "media services,"
 254 "professional services," or anything other than compensation;
 255 and certify that no officer or employee of the firm has made an
 256 expenditure in violation of s. 11.045, Florida Statutes, as
 257 amended by chapter 2005-359, Laws of Florida.

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

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
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271
 272 (3) The reporting statements shall be filed no later than
 273 45 days after the end of each reporting period. The four
 274 reporting periods are from January 1 through March 31, April 1
 275 through June 30, July 1 through September 30, and October 1
 276 through December 31, respectively. The statements shall be
 277 rendered in the identical form provided by the respective houses
 278 and shall be open to public inspection. Reporting statements
 279 shall be filed by electronic means through the electronic filing
 280 system developed by the division, conforming to subsection (4).

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

283 (a) As used in this rule, the term "electronic filing
 284 system" means an Internet system for recording and reporting
 285 lobbying compensation and other required information by
 286 reporting period.

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

292 (c) Each person given secure sign-on credentials to file
 293 via the electronic filing system is responsible for protecting
 294 the credentials from disclosure and is responsible for all
 295 filings made by use of such credentials, unless and until the
 296 division is notified that the person's credentials have been
 297 compromised. Each report filed by electronic means pursuant to

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298 | this rule shall be deemed certified in accordance with paragraph
299 | (1)(d) by the person given the secure sign-on credentials and,
300 | as such, subjects the person and the lobbying firm to the
301 | provisions of s. 11.045(8), Florida Statutes, as well as any
302 | discipline provided under the rules of the Senate or House of
303 | Representatives.

304 | (d) The electronic filing system shall:

305 | 1. Be based on access by means of the Internet.

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

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

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

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

316 | (5) The division shall provide reasonable public notice of
317 | the electronic filing procedures and of any significant changes
318 | in such procedures. If, whenever they deem it necessary, the
319 | President of the Senate and the Speaker of the House of
320 | Representatives jointly declare the electronic system not to be
321 | operable, the reports shall be filed in the manner required
322 | prior to April 1, 2007, as provided by House Concurrent
323 | Resolution 7011 (2007), enrolled, unless the President of the
324 | Senate and the Speaker of the House of Representatives direct
325 | use of an alternate means of reporting. The division shall

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326 develop and maintain such alternative means as may be
 327 practicable. Public notice of changes in filing procedures and
 328 any declaration or direction of the President of the Senate and
 329 the Speaker of the House of Representatives may be provided by
 330 publication for a continuous period of reasonable time on one or
 331 more Internet websites maintained by the Senate and the House of
 332 Representatives.

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

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

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

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

352 (4) A fine shall not be assessed against a lobbying firm
 353 the first time the report for which the lobbying firm is

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

360 (5) Any lobbying firm may appeal or dispute a fine, based
361 upon unusual circumstances surrounding the failure to file on
362 the designated due date, and may request and shall be entitled
363 to a hearing before the General Counsel of the Office of
364 Legislative Services, who shall recommend to the President of
365 the Senate and the Speaker of the House of Representatives, or
366 their respective designees, that the fine be waived in whole or
367 in part for good cause shown. The President of the Senate and
368 the Speaker of the House of Representatives, or their respective
369 designees, may by joint agreement concur in the recommendation
370 and waive the fine in whole or in part. Any such request shall
371 be made within 30 days after the notice of payment due is
372 transmitted by the person designated to review the timeliness of
373 reports. In such case, the lobbying firm shall, within the 30-
374 day period, notify the person designated to review the
375 timeliness of reports in writing of his or her intention to
376 request a hearing.

377 (6) A lobbying firm may request that the filing of a
378 report be waived upon good cause shown, based on unusual
379 circumstances. The request must be filed with the General
380 Counsel of the Office of Legislative Services, who shall make a
381 recommendation concerning the waiver request to the President of

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382 the Senate and the Speaker of the House of Representatives. The
383 President of the Senate and the Speaker of the House of
384 Representatives may, by joint agreement, grant or deny the
385 request.

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

396 (b) No such lobbyist may be reinstated in any capacity
397 representing any principal until the fine is paid and all late
398 reports have been filed or waived or until the fine is waived as
399 to that lobbyist and all late reports for that lobbyist have
400 been filed or waived. A suspended lobbyist may request a waiver
401 upon good cause shown, based on unusual circumstances. The
402 request must be filed with the General Counsel of the Office of
403 Legislative Services who shall, as soon as practicable, make a
404 recommendation concerning the waiver request to the President of
405 the Senate and the Speaker of the House of Representatives. The
406 President of the Senate and the Speaker of the House of
407 Representatives may, by joint agreement, grant or deny the
408 request.

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

413
 414 1.6—Open Records; Internet Publication of Registrations and
 415 Compensation Reports

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

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

428
 429 1.7—Records Retention and Inspection and Complaint Procedure

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

434 (2) Upon receipt of a complaint based upon the personal
 435 knowledge of the complainant made pursuant to the Senate Rules
 436 or Rules of the House of Representatives, any such documents and

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437 records may be inspected when authorized by the President of the
438 Senate or the Speaker of the House of Representatives, as
439 applicable. The person authorized to perform the inspection
440 shall be designated in writing and shall be a member of The
441 Florida Bar or a certified public accountant licensed in
442 Florida. Any information obtained by such an inspection may only
443 be used for purposes authorized by law, this Joint Rule One,
444 Senate Rules, or Rules of the House of Representatives, which
445 purposes may include the imposition of sanctions against a
446 person subject to Joint Rule One, the Senate Rules, or the Rules
447 of the House of Representatives. Any employee who uses that
448 information for an unauthorized purpose is subject to
449 discipline. Any member who uses that information for an
450 unauthorized purpose is subject to discipline under the
451 applicable rules of each house.

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

454

455 1.8-Questions Regarding Interpretation of this Joint Rule One

456 (1) A person may request in writing an informal opinion
457 from the General Counsel of the Office of Legislative Services
458 as to the application of this Joint Rule One to a specific
459 situation involving that person's conduct. The General Counsel
460 shall issue the opinion within 10 days after receiving the
461 request. The informal opinion may be relied upon by the person
462 who requested the informal opinion. A copy of each informal
463 opinion that is issued shall be provided to the presiding
464 officer of each house. A committee of either house designated

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465 | pursuant to s. 11.045(5), Florida Statutes, may revise any
 466 | informal opinion rendered by the General Counsel through an
 467 | advisory opinion to the person who requested the informal
 468 | opinion. The advisory opinion shall supersede the informal
 469 | opinion as of the date the advisory opinion is issued.

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

477 |

478 | 1.9—Effect of Readoption and Revision

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

487 |

488 | Joint Rule Two—General Appropriations Review Period

489 |

490 | 2.1—General Appropriations and Related Bills; Review Periods

491 | (1) A general appropriations bill shall be subject to a
 492 | 72-hour public review period before a vote is taken on final

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493 passage of the bill in the form that will be presented to the
 494 Governor.

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

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

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

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

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

516 2. An electronic copy may be furnished to each member. The
 517 Legislature hereby deems and determines that a copy shall have
 518 been furnished to the members of the Legislature when an
 519 electronic copy is made available to every member of the
 520 Legislature. An electronic copy is deemed to have been made

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521 available when it is accessible via the Internet or other
522 information network consisting of systems ordinarily serving the
523 members of the Senate or the House of Representatives.

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

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

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

546 (8) An implementing or conforming bill recommended by a
547 conference committee shall be subject to a 24-hour public review
548 period before a vote is taken on the conference committee report

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549 | by either house, if the conference committee submits its report
 550 | after the furnishing of a general appropriations bill to which
 551 | the 72-hour public review period applies.

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

559 |

560 | 2.2-General Appropriations and Related Bills; Definitions

561 | As used in Joint Rule Two, the term:

562 | (1) "Conforming bill" means a bill that amends the Florida
 563 | Statutes to conform to a general appropriations bill.

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

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577 bill provides for the salaries of public officers and other
 578 current expenses of the state for a subsequent fiscal year.

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

581

582 Joint Rule Three—Joint Offices and Policies

583

584 3.1—Joint Legislative Offices

585 (1) The following offices of the Legislature are
 586 established:

587 (a) Office of Economic and Demographic Research.

588 (b) Office of Legislative Information Technology Services.

589 (c) Office of Legislative Services.

590 (d) Office of Program Policy Analysis and Government
 591 Accountability.

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

603 (3) Within the monetary limitations of the approved
 604 operating budget, the salaries and expenses of the coordinator

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605 and the staff of each office shall be governed by joint
606 policies.

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

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

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

620 (7) The Office of Program Policy Analysis and Government
621 Accountability shall:

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

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

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633 the other addressing budget issues.

634

635 3.2—Joint Policies

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

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

647

648 Joint Rule Four—Joint Committees

649

650 4.1—Standing Joint Committees

651 (1) The following standing joint committees are
 652 established:

653 (a) Administrative Procedures Committee.

654 (b) Committee on Public Counsel Oversight.

655 (c) Legislative Auditing Committee.

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

659 (3) Appointments to each standing joint committee shall be
 660 made or altered and vacancies shall be filled by the Senate and

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661 the House of Representatives in accordance with their respective
662 rules. There shall be appointed to each standing joint committee
663 no fewer than five and no more than seven members from each
664 house.

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

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

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

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

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

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

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

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689

690 4.2—Procedures in Joint Committees

691 The following rules shall govern procedures in joint committees
692 other than conference committees:

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

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

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

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

716 (d) If a majority of its members from each house agree, a

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717 joint committee may continue a properly noticed meeting after
718 the expiration of the time called for the meeting. However, a
719 joint committee may not meet beyond the time authorized by the
720 presiding officers without special leave granted by both
721 presiding officers.

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

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

732

733 4.3—Powers of Joint Committees

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

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

744 (3) A joint committee may not create subcommittees or

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745 workgroups unless authorized by both presiding officers.

746

747 4.4—Administration of Joint Committees

748 (1) Within the monetary limitations of the approved
 749 operating budget, the expenses of the members and the salaries
 750 and expenses of the staff of each joint committee shall be
 751 governed by joint policies adopted under Joint Rule 3.2. Within
 752 such operating budget, the chair of each joint committee shall
 753 approve all authorized member expenses.

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

762

763 4.5—Special Powers and Duties of the Legislative Auditing
 764 Committee

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

770 (2) The Legislative Auditing Committee may receive
 771 requests for audits and reviews from legislators and any audit
 772 request, petition for audit, or other matter for investigation

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773 | directed or referred to it pursuant to general law. The
 774 | committee may make any appropriate disposition of such requests
 775 | or referrals and shall, within a reasonable time, report to the
 776 | requesting party the disposition of any audit request.

777 | (3) The Legislative Auditing Committee may review the
 778 | performance of the Auditor General and report thereon to the
 779 | Senate and the House of Representatives.

780 |

781 | 4.6—Special Powers and Duties of the Administrative Procedures
 782 | Committee

783 | The Administrative Procedures Committee shall:

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

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

793 | (3) Review administrative rules and advise the agencies
 794 | concerned of its findings.

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

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

800 | (6) Report to the President of the Senate and the Speaker

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801 of the House of Representatives at least annually, no later than
802 the first week of the regular session, and recommend needed
803 legislation or other appropriate action. Such report shall
804 include the number of objections voted by the committee, the
805 number of suspensions recommended by the committee, the number
806 of administrative determinations filed on the invalidity of a
807 proposed or existing rule, the number of petitions for judicial
808 review filed on the invalidity of a proposed or existing rule,
809 and the outcomes of such actions. Such report shall also include
810 any recommendations provided to the standing committees during
811 the preceding year under subsection (11).

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

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

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829 | expend public funds from its appropriation for the purpose of
 830 | seeking judicial review.

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

834 | (10) Establish measurement criteria to evaluate whether
 835 | agencies are complying with the delegation of legislative
 836 | authority in adopting and implementing rules.

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

843 |
 844 | 4.7—Special Powers and Duties of the Committee on Public Counsel
 845 | Oversight

846 | (1) The Committee on Public Counsel Oversight shall
 847 | appoint a Public Counsel.

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

854 | (3) Notwithstanding Joint Rule 4.4(2), the Committee on
 855 | Public Counsel Oversight shall not have any permanent staff but
 856 | shall be served as needed by other legislative staff selected by

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857 | the President of the Senate and the Speaker of the House of
 858 | Representatives.

859 |

860 | Joint Rule Five—Auditor General

861 |

862 | 5.1—Rulemaking Authority

863 | The Auditor General shall make and enforce reasonable rules and
 864 | regulations necessary to facilitate audits that he or she is
 865 | authorized to perform.

866 |

867 | 5.2—Budget and Accounting

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

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

879 |

880 | 5.3—Audit Report Distribution

881 | (1) A copy of each audit report shall be submitted to the
 882 | Governor, to the Chief Financial Officer, and to the officer or
 883 | person in charge of the state agency or political subdivision
 884 | audited. One copy shall be filed as a permanent public record in

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885 the office of the Auditor General. In the case of county
886 reports, one copy of the report of each county office, school
887 district, or other district audited shall be submitted to the
888 board of county commissioners of the county in which the audit
889 was made and shall be filed in the office of the clerk of the
890 circuit court of that county as a public record. When an audit
891 is made of the records of the district school board, a copy of
892 the audit report shall also be filed with the district school
893 board, and thereupon such report shall become a part of the
894 public records of such board.

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

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

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

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

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

919

920 Joint Rule Six—Joint Legislative Budget Commission

921

922 6.1—General Responsibilities

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

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

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

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

938 (5) The President of the Senate and the Speaker of the
 939 House of Representatives may jointly assign other

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940 | responsibilities to the commission in addition to those assigned
 941 | by law.

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

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

949 |

950 | 6.2—Organizational Structure

951 | (1) The commission is not subject to Joint Rule Four. The
 952 | commission shall be composed of seven members of the Senate
 953 | appointed by the President of the Senate and seven members of
 954 | the House of Representatives appointed by the Speaker of the
 955 | House of Representatives.

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

962 |

963 | 6.3—Notice of Commission Meetings

964 | Not less than 7 days prior to a meeting of the commission, a
 965 | notice of the meeting, stating the items to be considered, date,
 966 | time, and place, shall be filed with the Secretary of the Senate
 967 | when the chair of the commission is a member of the Senate or

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968 | with the Clerk of the House when the chair of the commission is
969 | a member of the House of Representatives. The Secretary of the
970 | Senate or the Clerk of the House shall distribute notice to the
971 | Legislature and the public, consistent with the rules and
972 | policies of their respective houses.

973

974 | 6.4—Effect of Adoption; Intent

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