

By Senator Gaetz

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Senate Concurrent Resolution

A concurrent resolution establishing the Joint Rules of the Florida Legislature for the 2014-2016 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 2014-2016 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 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) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or

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30 report of, or any matter that may be the subject of action by,
31 either house of the Legislature or any committee thereof.

32 (c) "Lobby" or "lobbying" means influencing or attempting
33 to influence legislative action or nonaction through oral or
34 written communication or through an attempt to obtain the
35 goodwill of a member or employee of the Legislature.

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

49 (e) "Lobbyist" means a person who is employed and receives
50 payment, or who contracts for economic consideration, for the
51 purpose of lobbying or a person who is principally employed for
52 governmental affairs by another person or governmental entity to
53 lobby on behalf of that other person or governmental entity. An
54 employee of the principal is not a lobbyist unless the employee
55 is principally employed for governmental affairs. The term
56 "principally employed for governmental affairs" means that one
57 of the principal or most significant responsibilities of the
58 employee to the employer is overseeing the employer's various

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59 relationships with government or representing the employer in
60 its contacts with government. Any person employed by the
61 Governor, the Executive Office of the Governor, or any executive
62 or judicial department of the state or any community college of
63 the state who seeks to encourage the passage, defeat, or
64 modification of any legislation by personal appearance or
65 attendance before the House of Representatives or the Senate, or
66 any member or committee thereof, is a lobbyist.

67 (f) "Lobbyist Registration and Compensation Reporting
68 System (LRCRS)" means the online application that serves as the
69 system of record for the Lobbyist Registration Office in the
70 Office of Legislative Services and consists of the electronic
71 registration system and the electronic filing system.

72 (g) "LRO" means the Lobbyist Registration Office in the
73 Office of Legislative Services.

74 (h) "Office" means the Office of Legislative Services.

75 (i) "Payment" or "salary" means wages or any other
76 consideration provided in exchange for services but does not
77 include reimbursement for expenses.

78 (j) "Principal" means the person, firm, corporation, or
79 other entity that has employed or retained a lobbyist. When an
80 association has employed or retained a lobbyist, the association
81 is the principal; the individual members of the association are
82 not principals merely because of their membership in the
83 association.

84 (k) "Unusual circumstances," with respect to any failure of
85 a person to satisfy a filing requirement, means uncommon, rare,
86 or sudden events over which the person has no control and which
87 directly result in the failure to satisfy the filing

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88 requirement.

89 (3) For purposes of Joint Rule One, the terms "lobby" and
90 "lobbying" do not include any of the following:

91 (a) A response to an inquiry for information made by any
92 member, committee, or staff of the Legislature.

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

94 (c) Advice or services that arise out of a contractual
95 obligation with the Legislature, a member, a committee, any
96 staff, or any legislative entity to render the advice or
97 services where such obligation is fulfilled through the use of
98 public funds.

99 (d) Representation of a client before the House of
100 Representatives or the Senate, or any member or committee
101 thereof, when the client is subject to disciplinary action by
102 the House of Representatives or the Senate, or any member or
103 committee thereof.

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

106 (a) A member of the Legislature.

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

108 (c) A judge who is acting in that judge's official
109 capacity.

110 (d) A person who is a state officer holding elective office
111 or an officer of a political subdivision of the state holding
112 elective office and who is acting in that officer's official
113 capacity.

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

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117 (f) A person employed by any executive or judicial
118 department of the state or any community college of the state
119 who makes a personal appearance or attendance before the House
120 of Representatives or the Senate, or any member or committee
121 thereof, while that person is on approved leave or outside
122 normal working hours and who does not otherwise meet the
123 definition of a lobbyist.

124 (5) When a person, regardless of whether the person is
125 registered as a lobbyist, appears before a committee of the
126 Legislature, that person must submit a Committee Appearance
127 Record as required by the respective house.

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

137

138 1.2-Method of Registration

139 (1) Each person required to register with the LRO must
140 register through the LRCRS and attest to that person's full
141 legal name, business address, e-mail address, and telephone
142 number; the name, business address, e-mail address, and
143 telephone number of each principal that person represents; and
144 the extent of any direct business association or partnership
145 that person has with any member of the Legislature. In addition,

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146 if the lobbyist is a partner, owner, officer, or employee of a
147 lobbying firm, the lobbyist must state the name, address, and
148 telephone number of each lobbying firm to which the lobbyist
149 belongs and the e-mail address of the employee responsible for
150 the submission of compensation reports. Registration is not
151 complete until the LRCRS receives the principal's authorization
152 and the registration fee. Any changes to the information
153 existing in the LRCRS must be updated online in the LRCRS within
154 15 days from the effective date of the change.

155 (2) Any person required to register must do so with respect
156 to each principal prior to commencement of lobbying on behalf of
157 that principal. The LRCRS will request authorization from the
158 principal with the principal's name, business address, e-mail
159 address, and telephone number to confirm that the registrant is
160 authorized to represent the principal. The principal or
161 principal's representative shall also identify and designate the
162 principal's main business pursuant to a classification system
163 approved by the Office, which shall be the North American
164 Industry Classification System (NAICS) six-digit numerical code
165 that most accurately describes the principal's main business.

166 (3) Any person required to register must renew the
167 registration annually for each calendar year through the LRCRS.

168 (4) A lobbyist shall promptly cancel the registration for a
169 principal upon termination of the lobbyist's representation of
170 that principal. A cancellation takes effect the day it is
171 received by the LRCRS. Notwithstanding this requirement, the LRO
172 may remove the name of a lobbyist from the list of registered
173 lobbyists if the principal notifies the LRO in writing that the
174 lobbyist is no longer authorized to represent that principal.

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175 (5) The LRO shall retain registration information submitted
176 under this rule.

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

181

182 1.3-Registration Costs; Exemptions

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

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

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

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

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

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

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

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

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

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204 established annually by the President of the Senate and the
205 Speaker of the House of Representatives. The fees set must be
206 adequate to ensure operation of the lobbyists' registration,
207 compensation, and reporting functions. The fees collected by the
208 LRO under this rule shall be deposited into the State Treasury
209 and credited to the Legislative Lobbyist Registration Trust Fund
210 specifically to cover the costs incurred in administering Joint
211 Rule One.

212

213 1.4-Reporting of Lobbying Firm Compensation

214 (1) (a) Each lobbying firm shall file a compensation report
215 with the LRO through the LRCRS for each calendar quarter during
216 any portion of which one or more of the firm's lobbyists were
217 registered to represent a principal. The report must include
218 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 must
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, business address, and
247 telephone number of the principal 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.

256 (2) For each principal represented by more than one
257 lobbying firm, the Office shall aggregate the reporting-period
258 and calendar-year compensation reported as provided or owed by
259 the principal. Compensation reported within a category shall be
260 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 compensation reports 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 reports shall be rendered in the identical form provided by the respective houses and shall be open to public inspection.

(4) A report filed pursuant to this rule must be completed and filed through the LRCRS not later than 11:59 p.m. of the day designated in subsection (3). A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under Joint Rule 1.5(1).

(5) Each person given secure sign-on credentials in the

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283 LRCRS is responsible for protecting the credentials from
284 disclosure and is responsible for all filings made by use of
285 such credentials, unless and until the Office is notified that
286 the person's credentials have been compromised. Each report
287 filed by electronic means pursuant to this rule shall be deemed
288 certified in accordance with paragraph (1)(d) by the person
289 given the secure sign-on credentials and, as such, subjects the
290 person and the lobbying firm to the provisions of s. 11.045(8),
291 Florida Statutes, as well as any discipline provided under the
292 rules of the Senate or House of Representatives.

293 (6) If the President of the Senate and the Speaker of the
294 House of Representatives jointly declare that the electronic
295 system is not operable, the reports shall be filed in accordance
296 with instructions on the LRCRS website which will be posted for
297 a reasonable period of time.

298

299 1.5-Failure to File Timely Compensation Report; Notice and
300 Assessment of Fines; Appeals

301 (1) Upon determining that the report is late, the LRCRS
302 shall immediately notify the lobbying firm by e-mail as to the
303 failure to timely file the report and that a fine is being
304 assessed for each late day. The fine shall be \$50 per day per
305 report for each late day, not to exceed \$5,000 per report.

306 (2) Upon submittal of the late-filed report by the lobbying
307 firm, the LRCRS shall determine the amount of the fine based on
308 the submittal date shown in the electronic receipt issued by the
309 LRCRS.

310 (3) Such fine shall be paid within 30 days after the notice
311 of payment due is transmitted by the LRCRS, unless an appeal is

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312 made to the LRO. The moneys shall be deposited into the
313 Legislative Lobbyist Registration Trust Fund.

314 (4) A fine may not be assessed against a lobbying firm the
315 first time the report for which the lobbying firm is responsible
316 is not timely filed. However, to receive the one-time fine
317 waiver, the report for which the lobbying firm is responsible
318 must be filed within 30 days after the notice of failure to file
319 is transmitted by the LRCRS. A fine shall be assessed for all
320 subsequent late-filed reports.

321 (5) Any lobbying firm may appeal or dispute a fine, based
322 upon unusual circumstances surrounding the failure to file on
323 the designated due date, and may request and shall be entitled
324 to a hearing before the General Counsel of the Office of
325 Legislative Services, who shall recommend to the President of
326 the Senate and the Speaker of the House of Representatives, or
327 their respective designees, that the fine be waived in whole or
328 in part for good cause shown. The President of the Senate and
329 the Speaker of the House of Representatives, or their respective
330 designees, may, by joint agreement, concur in the recommendation
331 and waive the fine in whole or in part. Any such request shall
332 be made within 30 days after the notice of payment due is
333 transmitted by the LRCRS. In such case, the lobbying firm shall,
334 within the 30-day period, notify the LRO in writing of the
335 firm's intention to request a hearing.

336 (6) A lobbying firm may request that the filing of a report
337 be waived upon good cause shown, based on unusual circumstances.
338 The request must be filed with the General Counsel of the Office
339 of Legislative Services, who shall make a recommendation
340 concerning the waiver request to the President of the Senate and

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341 the Speaker of the House of Representatives. The President of
342 the Senate and the Speaker of the House of Representatives may,
343 by joint agreement, grant or deny the request.

344 (7) (a) All lobbyist registrations for lobbyists who are
345 partners, owners, officers, or employees of a lobbying firm that
346 fails to timely pay a fine are automatically suspended until the
347 fine is paid or waived and all late reports have been filed or
348 waived. The LRO shall promptly notify all affected principals,
349 the President of the Senate, and the Speaker of the House of
350 Representatives of any suspension or reinstatement. All
351 lobbyists who are partners, owners, officers, or employees of a
352 lobbying firm are jointly and severally liable for any
353 outstanding fine owed by a lobbying firm.

354 (b) Such lobbyist may not be reinstated in any capacity
355 representing any principal until the fine is paid and all late
356 reports have been filed or waived or until the fine is waived as
357 to that lobbyist and all late reports for that lobbyist have
358 been filed or waived. A suspended lobbyist may request a waiver
359 upon good cause shown, based on unusual circumstances. The
360 request must be filed with the General Counsel of the Office of
361 Legislative Services who shall, as soon as practicable, make a
362 recommendation concerning the waiver request to the President of
363 the Senate and the Speaker of the House of Representatives. The
364 President of the Senate and the Speaker of the House of
365 Representatives may, by joint agreement, grant or deny the
366 request.

367 (8) The LRO shall notify the coordinator of the Office of
368 the failure of a lobbying firm to file a report after notice or
369 of the failure of a lobbying firm to pay the fine imposed.

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371 1.6-Open Records; Internet Publication of Registrations and
372 Compensation Reports

373 (1) All of the lobbyist registration forms and compensation
374 reports received by the LRO shall be available for public
375 inspection and for duplication at reasonable cost.

376 (2) The LRO shall make information filed pursuant to Joint
377 Rules 1.2 and 1.4 reasonably available on the Internet in an
378 easily understandable and accessible format through the LRCRS.
379 The LRCRS must include, but not be limited to including, the
380 names and business addresses of lobbyists, lobbying firms, and
381 principals; the affiliations between lobbyists and principals;
382 and the classification system designated and identified with
383 respect to principals pursuant to Joint Rule 1.2.

384

385 1.7-Records Retention and Inspection and Complaint Procedure

386 (1) Each lobbying firm and each principal shall preserve
387 for a period of 4 years all accounts, bills, receipts, computer
388 records, books, papers, and other documents and records
389 necessary to substantiate compensation reports and registration
390 documentation.

391 (2) Upon receipt of a complaint based on the personal
392 knowledge of the complainant made pursuant to the Senate Rules
393 or the Rules of the House of Representatives, any such documents
394 and records may be inspected when authorized by the President of
395 the Senate or the Speaker of the House of Representatives, as
396 applicable. The person authorized to perform the inspection
397 shall be designated in writing and shall be a member of The
398 Florida Bar or a certified public accountant licensed in

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399 Florida. Any information obtained by such an inspection may only
400 be used for purposes authorized by law, Joint Rule One, the
401 Senate Rules, or the Rules of the House of Representatives,
402 which purposes may include the imposition of sanctions against a
403 person subject to Joint Rule One, the Senate Rules, or the Rules
404 of the House of Representatives. Any employee who uses that
405 information for an unauthorized purpose is subject to
406 discipline. Any member who uses that information for an
407 unauthorized purpose is subject to discipline under the
408 applicable rules of each house.

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

411

412 1.8-Questions Regarding Interpretation of Joint Rule One

413 (1) A person may request in writing an informal opinion
414 from the General Counsel of the Office of Legislative Services
415 as to the application of Joint Rule One to a specific situation
416 involving that person's conduct. The General Counsel shall issue
417 the opinion within 10 days after receiving the request. The
418 informal opinion may be relied upon by the person who requested
419 the informal opinion. A copy of each informal opinion that is
420 issued shall be provided to the presiding officer of each house.
421 A committee of either house designated pursuant to section
422 11.045(5), Florida Statutes, may revise any informal opinion
423 rendered by the General Counsel through an advisory opinion to
424 the person who requested the informal opinion. The advisory
425 opinion shall supersede the informal opinion as of the date the
426 advisory opinion is issued.

427 (2) A person in doubt about the applicability or

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428 interpretation of Joint Rule One with respect to that person's
429 conduct may submit in writing the facts for an advisory opinion
430 to the committee of either house designated pursuant to s.
431 11.045(5), Florida Statutes, and may appear in person before the
432 committee in accordance with s. 11.045(5), Florida Statutes.

433

434 1.9-Effect of Readoption and Revision

435 All obligations existing under Joint Rule One as of the last day
436 of the previous legislative biennium are hereby ratified,
437 preserved, and reimposed pursuant to the terms thereof as of
438 that date. The provisions of Joint Rule One are imposed
439 retroactively to the first day of the present legislative
440 biennium except that provisions new to this revision are
441 effective on the date of adoption or as otherwise expressly
442 provided herein.

443

444 Joint Rule Two-General Appropriations Review Period

445

446 2.1-General Appropriations and Related Bills; Review Periods

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

451 (2) If a bill is returned to the house in which the bill
452 originated and the originating house does not concur in all the
453 amendments or adds additional amendments, no further action
454 shall be taken on the bill by the nonoriginating house, and a
455 conference committee shall be established by operation of this
456 rule to consider the bill.

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

461 (4) A copy of the bill, a copy of the bill with amendments
462 adopted by the nonoriginating house, or the conference committee
463 report shall be furnished to each member of the Legislature, the
464 Governor, the Chief Justice of the Supreme Court, and each
465 member of the Cabinet. Copies for the Governor, Chief Justice,
466 and members of the Cabinet shall be furnished to the official's
467 office in the Capitol or Supreme Court Building.

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

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

472 2. An electronic copy may be furnished to each member. The
473 Legislature hereby deems and determines that a copy shall have
474 been furnished to the members of the Legislature when an
475 electronic copy is made available to every member of the
476 Legislature. An electronic copy is deemed to have been made
477 available when it is accessible via the Internet or other
478 information network consisting of systems ordinarily serving the
479 members of the Senate or the House of Representatives.

480 (b) An official other than a member of the Legislature who
481 is to be furnished a copy of a general appropriations bill under
482 subsection (4) may officially request that an electronic copy of
483 the bill be furnished in lieu of a printed copy, and, if
484 practicable, the copy may be furnished to the official in the
485 manner requested.

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486 (6) The Secretary of the Senate shall be responsible for
487 furnishing copies under this rule for Senate bills, House bills
488 as amended by the Senate, and conference committee reports on
489 Senate bills. The Clerk of the House shall be responsible for
490 furnishing copies under this rule for House bills, Senate bills
491 as amended by the House, and conference committee reports on
492 House bills.

493 (7) The 72-hour public review period shall begin to run
494 upon completion of the furnishing of copies required to be
495 furnished under subsection (4). The Speaker of the House of
496 Representatives and the President of the Senate, as appropriate,
497 shall be informed of the completion time, and such time shall be
498 announced on the floor prior to vote on final passage in each
499 house and shall be entered in the journal of each house.
500 Saturdays, Sundays, and holidays shall be included in the
501 computation under this rule.

502 (8) An implementing or conforming bill recommended by a
503 conference committee shall be subject to a 24-hour public review
504 period before a vote is taken on the conference committee report
505 by either house, if the conference committee submits its report
506 after the furnishing of a general appropriations bill to which
507 the 72-hour public review period applies.

508 (9) With respect to each bill that may be affected, a
509 member of the Senate or the House of Representatives may not
510 raise a point of order under this rule after a vote is taken on
511 the bill. Except as may be required by the Florida Constitution,
512 noncompliance with any requirement of this rule may be waived by
513 a two-thirds vote of those members present and voting in each
514 house.

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516 2.2-General Appropriations and Related Bills; Definitions

517 As used in Joint Rule Two, the term:

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

520 (2) "General appropriations bill" means a bill that
521 provides for the salaries of public officers and other current
522 expenses of the state and contains no subject other than
523 appropriations. A bill that contains appropriations that are
524 incidental and necessary solely to implement a substantive law
525 is not included within this term. For the purposes of Joint Rule
526 Two and Section 19(d) of Article III of the Florida
527 Constitution, the Legislature hereby determines that, after a
528 general appropriations bill has been enacted and establishes
529 governing law for a particular fiscal year, a bill considered in
530 any subsequent session that makes net reductions in such enacted
531 appropriations or that makes supplemental appropriations shall
532 not be deemed to be a general appropriations bill unless such
533 bill provides for the salaries of public officers and other
534 current expenses of the state for a subsequent fiscal year.

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

537

538 Joint Rule Three-Joint Offices and Policies

539

540 3.1-Joint Legislative Offices

541 (1) The following offices of the Legislature are
542 established:

543 (a) Office of Economic and Demographic Research.

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544 (b) Office of Legislative Information Technology Services.

545 (c) Office of Legislative Services.

546 (d) Office of Program Policy Analysis and Government
547 Accountability.

548 (2) Offices established under this rule shall provide
549 support services to the Legislature that are determined by the
550 President of the Senate and the Speaker of the House of
551 Representatives to be necessary and that can be effectively
552 provided jointly to both houses and other units of the
553 Legislature. Each office shall be directed by a coordinator
554 selected by and serving at the pleasure of the President of the
555 Senate and the Speaker of the House of Representatives. Upon the
556 initial adoption of these joint rules in a biennium, each
557 coordinator position shall be deemed vacant until an appointment
558 is made.

559 (3) Within the monetary limitations of the approved
560 operating budget, the salaries and expenses of the coordinator
561 and the staff of each office shall be governed by joint
562 policies.

563 (4) The Office of Legislative Services shall provide
564 legislative support services other than those prescribed in
565 subsections (5)-(7).

566 (5) The Office of Legislative Information Technology
567 Services shall provide support services to assist the
568 Legislature in achieving its objectives through the application
569 of cost-effective information technology.

570 (6) The Office of Economic and Demographic Research shall
571 provide research support services, principally regarding
572 forecasting economic and social trends that affect policymaking,

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573 revenues, and appropriations.

574 (7) The Office of Program Policy Analysis and Government
575 Accountability shall:

576 (a) Perform independent examinations, program reviews, and
577 other projects as provided by general law, as provided by
578 concurrent resolution, as directed by the Legislative Auditing
579 Committee, or as directed by the President of the Senate or the
580 Speaker of the House and shall provide recommendations,
581 training, or other services to assist the Legislature.

582 (b) Transmit to the President of the Senate and the Speaker
583 of the House of Representatives, by December 1 of each year, a
584 list of statutory and fiscal changes recommended by office
585 reports. The recommendations shall be presented in two
586 categories: one addressing substantive law and policy issues and
587 the other addressing budget issues.

588

589 3.2-Joint Policies

590 (1) The President of the Senate and the Speaker of the
591 House of Representatives shall jointly adopt policies they
592 consider advisable to carry out the functions of the
593 Legislature. Such policies shall be binding on all employees of
594 joint offices and joint committees.

595 (2) The employees of all joint committees and joint
596 legislative offices shall be under the exclusive control of the
597 Legislature. No officer or agency in the executive or judicial
598 branch shall exercise any manner of control over legislative
599 employees with respect to the exercise of their duties or the
600 terms and conditions of their employment.

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602 Joint Rule Four—Joint Committees

603

604 4.1—Standing Joint Committees

605 (1) The following standing joint committees are
606 established:

607 (a) Administrative Procedures Committee.

608 (b) Committee on Public Counsel Oversight.

609 (c) Legislative Auditing Committee.

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

613 (3) Appointments to each standing joint committee shall be
614 made or altered and vacancies shall be filled by the Senate and
615 the House of Representatives in accordance with their respective
616 rules. There shall be appointed to each standing joint committee
617 no fewer than five and no more than seven members from each
618 house.

619 (4) (a) The President of the Senate shall appoint a member
620 of the Senate to serve as the chair, and the Speaker of the
621 House of Representatives shall appoint a member of the House of
622 Representatives to serve as the vice chair, for:

623 1. The Legislative Auditing Committee and the Committee on
624 Public Counsel Oversight, for the period from the Organization
625 Session until noon on December 1 of the calendar year following
626 the general election.

627 2. The Administrative Procedures Committee for the period
628 from noon on December 1 of the calendar year following the
629 general election until the next general election.

630 (b) The Speaker of the House of Representatives shall

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631 appoint a member of the House of Representatives to serve as the
632 chair, and the President of the Senate shall appoint a member of
633 the Senate to serve as the vice chair, for:

634 1. The Legislative Auditing Committee and the Committee on
635 Public Counsel Oversight, for the period from noon on December 1
636 of the calendar year following the general election until the
637 next general election.

638 2. The Administrative Procedures Committee for the period
639 from the Organization Session until noon on December 1 of the
640 calendar year following the general election.

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

643

644 4.2-~~Procedures~~ in Joint Committees

645 The following rules shall govern procedures in joint committees
646 other than conference committees:

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

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

653 (b) Joint committee meetings shall meet at the call of the
654 chair. In the absence of the chair, the vice chair shall assume
655 the duty to convene and preside over meetings and such other
656 duties as provided by law or joint rule. During a meeting
657 properly convened, the presiding chair may temporarily assign
658 the duty to preside at that meeting to another joint committee
659 member until the assignment is relinquished or revoked.

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660 (c) Before any joint committee may hold a meeting, a notice
661 of such meeting shall be provided to the Secretary of the Senate
662 and the Clerk of the House of Representatives no later than 4:30
663 p.m. of the 7th day before the meeting. For purposes of
664 effecting notice to members of the house to which the chair does
665 not belong, notice to the Secretary of the Senate shall be
666 deemed notice to members of the Senate and notice to the Clerk
667 of the House shall be deemed notice to members of the House of
668 Representatives. Noticed meetings may be canceled by the chair
669 with the approval of at least one presiding officer.

670 (d) If a majority of its members from each house agree, a
671 joint committee may continue a properly noticed meeting after
672 the expiration of the time called for the meeting. However, a
673 joint committee may not meet beyond the time authorized by the
674 presiding officers without special leave granted by both
675 presiding officers.

676 (3) The presiding officers shall interpret, apply, and
677 enforce rules governing joint committees by agreement when the
678 rule at issue is a joint rule. Unless otherwise determined or
679 overruled by an agreement of the presiding officers, the chair
680 shall determine all questions of order arising in joint
681 committee meetings, but such determinations may be appealed to
682 the committee during the meeting.

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

686

687 4.3-Powers of Joint Committees

688 (1) A joint committee may exercise the subpoena powers

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689 vested by law in a standing committee of the Legislature. A
690 subpoena issued under this rule must be approved and signed by
691 the President of the Senate and the Speaker of the House of
692 Representatives and attested by the Secretary of the Senate and
693 the Clerk of the House.

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

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

700

701 4.4-Administration of Joint Committees

702 (1) Within the monetary limitations of the approved
703 operating budget, the expenses of the members and the salaries
704 and expenses of the staff of each joint committee shall be
705 governed by joint policies adopted under Joint Rule 3.2. Within
706 such operating budget, the chair of each joint committee shall
707 approve all authorized member expenses.

708 (2) Subject to joint policies adopted under Joint Rule 3.2,
709 the presiding officers shall appoint and remove the staff
710 director and, if needed, a general counsel and any other staff
711 necessary to assist each joint committee. All joint committee
712 staff shall serve at the pleasure of the presiding officers.
713 Upon the initial adoption of these joint rules in a biennium,
714 each joint committee staff director position shall be deemed
715 vacant until an appointment is made.

716

717 4.5-Special Powers and Duties of the Legislative Auditing

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718 Committee

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

724 (2) The Legislative Auditing Committee may receive requests
725 for audits and reviews from legislators and any audit request,
726 petition for audit, or other matter for investigation directed
727 or referred to it pursuant to general law. The committee may
728 make any appropriate disposition of such requests or referrals
729 and shall, within a reasonable time, report to the requesting
730 party the disposition of any audit request.

731 (3) The Legislative Auditing Committee may review the
732 performance of the Auditor General and report thereon to the
733 Senate and the House of Representatives.

734

735 4.6-Special Powers and Duties of the Administrative Procedures
736 Committee

737 The Administrative Procedures Committee shall:

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

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

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747 (3) Review administrative rules and advise the agencies
748 concerned of its findings.

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

751 (5) Generally review agency action pursuant to the
752 operation of chapter 120, Florida Statutes, the Administrative
753 Procedure Act.

754 (6) Report to the President of the Senate and the Speaker
755 of the House of Representatives at least annually, no later than
756 the first week of the regular session, and recommend needed
757 legislation or other appropriate action. Such report shall
758 include the number of objections voted by the committee, the
759 number of suspensions recommended by the committee, the number
760 of administrative determinations filed on the invalidity of a
761 proposed or existing rule, the number of petitions for judicial
762 review filed on the invalidity of a proposed or existing rule,
763 and the outcomes of such actions. Such report shall also include
764 any recommendations provided to the standing committees during
765 the preceding year under subsection (11).

766 (7) Consult regularly with legislative standing committees
767 that have jurisdiction over the subject areas addressed in
768 agency proposed rules regarding legislative authority for the
769 proposed rules and other matters relating to legislative
770 authority for agency action.

771 (8) Subject to the approval of the President of the Senate
772 and the Speaker of the House of Representatives, have standing
773 to seek judicial review, on behalf of the Legislature or the
774 citizens of this state, of the validity or invalidity of any
775 administrative rule to which the committee has voted an

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776 objection and that has not been withdrawn, modified, repealed,
777 or amended to meet the objection. Judicial review under this
778 subsection may not be initiated until the Governor and the head
779 of the agency making the rule to which the committee has
780 objected have been notified of the committee's proposed action
781 and have been given a reasonable opportunity, not to exceed 60
782 days, for consultation with the committee. The committee may
783 expend public funds from its appropriation for the purpose of
784 seeking judicial review.

785 (9) Maintain a continuous review of the administrative
786 rulemaking process, including a review of agency procedure and
787 of complaints based on such agency procedure.

788 (10) Establish measurement criteria to evaluate whether
789 agencies are complying with the delegation of legislative
790 authority in adopting and implementing rules.

791 (11) Maintain a continuous review of statutes that
792 authorize agencies to adopt rules and shall make recommendations
793 to the appropriate standing committees of the Senate and the
794 House of Representatives as to the advisability of considering
795 changes to the delegated legislative authority to adopt rules in
796 specific circumstances.

797

798 4.7-Special Powers and Duties of the Committee on Public Counsel
799 Oversight

800 (1) The Committee on Public Counsel Oversight shall appoint
801 a Public Counsel.

802 (2) The Committee on Public Counsel Oversight may file a
803 complaint with the Commission on Ethics alleging a violation of
804 chapter 350, Florida Statutes, by a current or former public

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805 service commissioner, an employee of the Public Service
806 Commission, or a member of the Public Service Commission
807 Nominating Council.

808 (3) Notwithstanding Joint Rule 4.4(2), the Committee on
809 Public Counsel Oversight shall not have any permanent staff but
810 shall be served as needed by other legislative staff selected by
811 the President of the Senate and the Speaker of the House of
812 Representatives.

813

814 Joint Rule Five—Auditor General

815

816 5.1—Rulemaking Authority

817 The Auditor General shall make and enforce reasonable rules and
818 regulations necessary to facilitate audits that he or she is
819 authorized to perform.

820

821 5.2—Budget and Accounting

822 (1) The Auditor General shall prepare and submit annually
823 to the President of the Senate and the Speaker of the House of
824 Representatives for their joint approval a proposed budget for
825 the ensuing fiscal year.

826 (2) Within the limitations of the approved operating
827 budget, the salaries and expenses of the Auditor General and the
828 staff of the Auditor General shall be paid from the
829 appropriation for legislative expense or any other moneys
830 appropriated by the Legislature for that purpose. The Auditor
831 General shall approve all bills for salaries and expenses for
832 his or her staff before the same shall be paid.

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834 5.3-Audit Report Distribution

835 (1) A copy of each audit report shall be submitted to the
836 Governor, to the Chief Financial Officer, and to the officer or
837 person in charge of the state agency or political subdivision
838 audited. One copy shall be filed as a permanent public record in
839 the office of the Auditor General. In the case of county
840 reports, one copy of the report of each county office, school
841 district, or other district audited shall be submitted to the
842 board of county commissioners of the county in which the audit
843 was made and shall be filed in the office of the clerk of the
844 circuit court of that county as a public record. When an audit
845 is made of the records of the district school board, a copy of
846 the audit report shall also be filed with the district school
847 board, and thereupon such report shall become a part of the
848 public records of such board.

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

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

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

857 (5) The Auditor General shall transmit to the President of
858 the Senate and the Speaker of the House of Representatives, by
859 December 1 of each year, a list of statutory and fiscal changes
860 recommended by audit reports. The recommendations shall be
861 presented in two categories: one addressing substantive law and
862 policy issues and the other addressing budget issues. The

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863 Auditor General may also transmit recommendations at other times
864 of the year when the information would be timely and useful for
865 the Legislature.

866 (6) A copy required to be provided under this rule may be
867 provided in an electronic or other digital format if the Auditor
868 General determines that the intended recipient has appropriate
869 resources to review the copy. Copies to members, committees, and
870 offices of the Legislature shall be provided in electronic
871 format as may be provided in joint policies adopted under Joint
872 Rule 3.2.

873

874 Joint Rule Six—Joint Legislative Budget Commission

875

876 6.1—General Responsibilities

877 (1) The commission, as provided in chapter 216, Florida
878 Statutes, shall receive and review notices of budget and
879 personnel actions taken or proposed to be taken by the executive
880 and judicial branches and shall approve or disapprove such
881 actions.

882 (2) Through its chair, the commission shall advise the
883 Governor and the Chief Justice of actions or proposed actions
884 that exceed delegated authority or that are contrary to
885 legislative policy and intent.

886 (3) To the extent possible, the commission shall inform
887 members of the Legislature of budget amendments requested by the
888 executive or judicial branches.

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

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892 (5) The President of the Senate and the Speaker of the
893 House of Representatives may jointly assign other
894 responsibilities to the commission in addition to those assigned
895 by law.

896 (6) The commission shall develop policies and procedures
897 necessary to carry out its assigned responsibilities, subject to
898 the joint approval of the President of the Senate and the
899 Speaker of the House of Representatives.

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

903

904 6.2-Organizational Structure

905 (1) The commission is not subject to Joint Rule Four. The
906 commission shall be composed of seven members of the Senate
907 appointed by the President of the Senate and seven members of
908 the House of Representatives appointed by the Speaker of the
909 House of Representatives.

910 (2) The commission shall be jointly staffed by the
911 appropriations committees of both houses. The Senate shall
912 provide the lead staff when the chair of the commission is a
913 member of the Senate. The House of Representatives shall provide
914 the lead staff when the chair of the commission is a member of
915 the House of Representatives.

916

917 6.3-Notice of Commission Meetings

918 Not less than 7 days prior to a meeting of the commission, a
919 notice of the meeting, stating the items to be considered, date,
920 time, and place, shall be filed with the Secretary of the Senate

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921 when the chair of the commission is a member of the Senate or
922 with the Clerk of the House when the chair of the commission is
923 a member of the House of Representatives. The Secretary of the
924 Senate or the Clerk of the House shall distribute notice to the
925 Legislature and the public, consistent with the rules and
926 policies of their respective houses.

927

928 6.4-Effect of Adoption; Intent

929 This Joint Rule Six replaces all prior joint rules governing the
930 Joint Legislative Budget Commission and is intended to implement
931 constitutional provisions relating to the Joint Legislative
932 Budget Commission existing as of the date of the rule's
933 adoption.

934

935 Joint Rule Seven-Qualifications of Members

936

937 7.1-Residency

938 (1) A member shall be a legal resident and elector of his
939 or her district at the time of election and shall maintain his
940 or her legal residence within that district for the duration of
941 his or her term of office. While a member may have multiple
942 residences, he or she shall have only one legal residence. The
943 legal residence of a member at a designated location is
944 demonstrated by a totality of the circumstances. Factors to be
945 considered include, but are not limited to:

946 (a) Where one claims to reside, as reflected in statements
947 to others or in official documents;

948 (b) The abandonment of a prior legal residence, as
949 evidenced by moving from or selling a prior legal residence;

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- 950 (c) The abandonment of rights and privileges associated
951 with a prior legal residence;
- 952 (d) Where one is registered as a voter;
- 953 (e) Where one claims a legal residence for a homestead
954 exemption;
- 955 (f) Where one claims a legal residence for a driver license
956 or other government privilege or benefit;
- 957 (g) The transfer of one's bank accounts to the district
958 where one maintains a legal residence;
- 959 (h) Where one's spouse and minor children maintain a legal
960 residence, work, and attend school;
- 961 (i) Where one receives mail and other correspondence;
- 962 (j) Where one customarily resides;
- 963 (k) Where one conducts business affairs;
- 964 (l) Where one rents or leases property; and
- 965 (m) Where one plans the construction of a new legal
966 residence.
- 967 (2) In accordance with Section 3 of Article X of the
968 Florida Constitution, a vacancy in office occurs when a member
969 fails to maintain a legal residence within his or her district
970 as required at the time of election.
- 971 (3) In accordance with Section 2 of Article III of the
972 Florida Constitution, each house of the Legislature shall be the
973 sole judge of the qualifications of its members, including
974 whether a member no longer satisfies his or her qualifications
975 for office.
- 976 (4) Each member shall affirm in writing that he or she is a
977 legal resident and elector of his or her district based on the
978 provisions of this Joint Rule. Each member shall file the

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979 written affirmation with the Secretary of the Senate or the
980 Clerk of the House of Representatives before the convening of
981 Organization Session following each general election. For a
982 member who is elected pursuant to a special election, the member
983 must execute the written affirmation before or concurrent with
984 taking the oath of office and provide such affirmation to the
985 Secretary of the Senate or the Clerk of the House of
986 Representatives. The form of the written affirmation shall be
987 prescribed by the Secretary of the Senate and the Clerk of the
988 House of Representatives for members of their respective house
989 of the Legislature.

990