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House Concurrent Resolution

A concurrent resolution establishing the Joint Rules of the Florida Legislature for the 2014-2016 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 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,

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27 testimony, debate, voting, or any other official action on any
28 measure, resolution, amendment, nomination, appointment, or
29 report of, or any matter that may be the subject of action by,
30 either house of the Legislature or any committee thereof.

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

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

48 (e) "Lobbyist" means a person who is employed and receives
49 payment, or who contracts for economic consideration, for the
50 purpose of lobbying or a person who is principally employed for
51 governmental affairs by another person or governmental entity to
52 lobby on behalf of that other person or governmental entity. An

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53 employee of the principal is not a lobbyist unless the employee
54 is principally employed for governmental affairs. The term
55 "principally employed for governmental affairs" means that one
56 of the principal or most significant responsibilities of the
57 employee to the employer is overseeing the employer's various
58 relationships with government or representing the employer in
59 its contacts with government. Any person employed by the
60 Governor, the Executive Office of the Governor, or any executive
61 or judicial department of the state or any community college of
62 the state who seeks to encourage the passage, defeat, or
63 modification of any legislation by personal appearance or
64 attendance before the House of Representatives or the Senate, or
65 any member or committee thereof, is a lobbyist.

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

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

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

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

77 (j) "Principal" means the person, firm, corporation, or
78 other entity that has employed or retained a lobbyist. When an

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79 association has employed or retained a lobbyist, the association
80 is the principal; the individual members of the association are
81 not principals merely because of their membership in the
82 association.

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

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

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

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

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

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

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

- 105 (a) A member of the Legislature.
- 106 (b) A person who is employed by the Legislature.
- 107 (c) A judge who is acting in that judge's official
108 capacity.
- 109 (d) A person who is a state officer holding elective
110 office or an officer of a political subdivision of the state
111 holding elective office and who is acting in that officer's
112 official capacity.
- 113 (e) A person who appears as a witness or for the purpose
114 of providing information at the written request of the chair of
115 a committee, subcommittee, or legislative delegation.
- 116 (f) A person employed by any executive or judicial
117 department of the state or any community college of the state
118 who makes a personal appearance or attendance before the House
119 of Representatives or the Senate, or any member or committee
120 thereof, while that person is on approved leave or outside
121 normal working hours and who does not otherwise meet the
122 definition of a lobbyist.
- 123 (5) When a person, regardless of whether the person is
124 registered as a lobbyist, appears before a committee of the
125 Legislature, that person must submit a Committee Appearance
126 Record as required by the respective house.
- 127 (6) The responsibilities of the Office and of the LRO
128 under Joint Rule One may be assigned to another entity by
129 agreement of the President of the Senate and the Speaker of the
130 House of Representatives for a contract period not to extend

131 beyond December 1 following the Organization Session of the next
132 biennium, provided that the powers and duties of the President,
133 the Speaker, the General Counsel of the Office of Legislative
134 Services, and any legislative committee referenced in Joint Rule
135 One may not be delegated.

136

137 1.2—Method of Registration

138 (1) Each person required to register with the LRO must
139 register through the LRCRS and attest to that person's full
140 legal name, business address, e-mail address, and telephone
141 number; the name, business address, e-mail address, and
142 telephone number of each principal that person represents; and
143 the extent of any direct business association or partnership
144 that person has with any member of the Legislature. In addition,
145 if the lobbyist is a partner, owner, officer, or employee of a
146 lobbying firm, the lobbyist must state the name, address, and
147 telephone number of each lobbying firm to which the lobbyist
148 belongs and the e-mail address of the employee responsible for
149 the submission of compensation reports. Registration is not
150 complete until the LRCRS receives the principal's authorization
151 and the registration fee. Any changes to the information
152 existing in the LRCRS must be updated online in the LRCRS within
153 15 days from the effective date of the change.

154 (2) Any person required to register must do so with
155 respect to each principal prior to commencement of lobbying on
156 behalf of that principal. The LRCRS will request authorization

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157 from the principal with the principal's name, business address,
158 e-mail address, and telephone number to confirm that the
159 registrant is authorized to represent the principal. The
160 principal or principal's representative shall also identify and
161 designate the principal's main business pursuant to a
162 classification system approved by the Office, which shall be the
163 North American Industry Classification System (NAICS) six-digit
164 numerical code that most accurately describes the principal's
165 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
169 a 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.

175 (5) The LRO shall retain registration information
176 submitted 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
 198 Commission.

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

201 (3) The annual fee is up to \$50 per each house for a
 202 person to register to represent one principal and up to an
 203 additional \$10 per house for each additional principal that the
 204 person registers to represent. The amount of each fee shall be
 205 established annually by the President of the Senate and the
 206 Speaker of the House of Representatives. The fees set must be
 207 adequate to ensure operation of the lobbyists' registration,
 208 compensation, and reporting functions. The fees collected by the

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209 LRO under this rule shall be deposited into the State Treasury
 210 and credited to the Legislative Lobbyist Registration Trust Fund
 211 specifically to cover the costs incurred in administering Joint
 212 Rule One.

213

214 1.4-Reporting of Lobbying Firm Compensation

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

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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, business address, and
248 telephone number of the principal 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
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.

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

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261 aggregated as follows:

262 Category (dollars)	Dollar amount to use aggregating
263 0	0
264 1-9,999	5,000
265 10,000-19,999	15,000
266 20,000-29,999	25,000
267 30,000-39,999	35,000
268 40,000-49,999	45,000
269 50,000 or more	Actual amount reported

270
 271 (3) The compensation reports shall be filed no later than
 272 45 days after the end of each reporting period. The four
 273 reporting periods are from January 1 through March 31, April 1
 274 through June 30, July 1 through September 30, and October 1
 275 through December 31, respectively. The reports shall be rendered
 276 in the identical form provided by the respective houses and
 277 shall be open to public inspection.

278 (4) A report filed pursuant to this rule must be completed

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279 and filed through the LRCRS not later than 11:59 p.m. of the day
 280 designated in subsection (3). A report not filed by 11:59 p.m.
 281 of the day designated is a late-filed report and is subject to
 282 the penalties under Joint Rule 1.5(1).

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

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

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

302 (1) Upon determining that the report is late, the LRCRS
 303 shall immediately notify the lobbying firm by e-mail as to the
 304 failure to timely file the report and that a fine is being

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305 assessed for each late day. The fine shall be \$50 per day per
306 report for each late day, not to exceed \$5,000 per report.

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

311 (3) Such fine shall be paid within 30 days after the
312 notice of payment due is transmitted by the LRCRS, unless an
313 appeal is made to the LRO. The moneys shall be deposited into
314 the Legislative Lobbyist Registration Trust Fund.

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

322 (5) Any lobbying firm may appeal or dispute a fine, based
323 upon unusual circumstances surrounding the failure to file on
324 the designated due date, and may request and shall be entitled
325 to a hearing before the General Counsel of the Office of
326 Legislative Services, who shall recommend to the President of
327 the Senate and the Speaker of the House of Representatives, or
328 their respective designees, that the fine be waived in whole or
329 in part for good cause shown. The President of the Senate and
330 the Speaker of the House of Representatives, or their respective

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331 designees, may, by joint agreement, concur in the recommendation
332 and waive the fine in whole or in part. Any such request shall
333 be made within 30 days after the notice of payment due is
334 transmitted by the LRCRS. In such case, the lobbying firm shall,
335 within the 30-day period, notify the LRO in writing of the
336 firm's intention to request a hearing.

337 (6) A lobbying firm may request that the filing of a
338 report be waived upon good cause shown, based on unusual
339 circumstances. The request must be filed with the General
340 Counsel of the Office of Legislative Services, who shall make a
341 recommendation concerning the waiver request to the President of
342 the Senate and the Speaker of the House of Representatives. The
343 President of the Senate and the Speaker of the House of
344 Representatives may, by joint agreement, grant or deny the
345 request.

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

356 (b) Such lobbyist may not be reinstated in any capacity

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357 representing any principal until the fine is paid and all late
358 reports have been filed or waived or until the fine is waived as
359 to that lobbyist and all late reports for that lobbyist have
360 been filed or waived. A suspended lobbyist may request a waiver
361 upon good cause shown, based on unusual circumstances. The
362 request must be filed with the General Counsel of the Office of
363 Legislative Services who shall, as soon as practicable, make a
364 recommendation concerning the waiver request to the President of
365 the Senate and the Speaker of the House of Representatives. The
366 President of the Senate and the Speaker of the House of
367 Representatives may, by joint agreement, grant or deny the
368 request.

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

372

373 1.6—Open Records; Internet Publication of Registrations and
374 Compensation Reports

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

378 (2) The LRO shall make information filed pursuant to Joint
379 Rules 1.2 and 1.4 reasonably available on the Internet in an
380 easily understandable and accessible format through the LRCRS.
381 The LRCRS must include, but not be limited to including, the
382 names and business addresses of lobbyists, lobbying firms, and

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383 principals; the affiliations between lobbyists and principals;
384 and the classification system designated and identified with
385 respect to principals pursuant to Joint Rule 1.2.

386

387 1.7—Records Retention and Inspection and Complaint Procedure

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

393 (2) Upon receipt of a complaint based on the personal
394 knowledge of the complainant made pursuant to the Senate Rules
395 or the Rules of the House of Representatives, any such documents
396 and records may be inspected when authorized by the President of
397 the Senate or the Speaker of the House of Representatives, as
398 applicable. The person authorized to perform the inspection
399 shall be designated in writing and shall be a member of The
400 Florida Bar or a certified public accountant licensed in
401 Florida. Any information obtained by such an inspection may only
402 be used for purposes authorized by law, Joint Rule One, the
403 Senate Rules, or the Rules of the House of Representatives,
404 which purposes may include the imposition of sanctions against a
405 person subject to Joint Rule One, the Senate Rules, or the Rules
406 of the House of Representatives. Any employee who uses that
407 information for an unauthorized purpose is subject to
408 discipline. Any member who uses that information for an

409 unauthorized purpose is subject to discipline under the
 410 applicable rules of each house.

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

413

414 1.8-Questions Regarding Interpretation of Joint Rule One

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

429 (2) A person in doubt about the applicability or
 430 interpretation of Joint Rule One with respect to that person's
 431 conduct may submit in writing the facts for an advisory opinion
 432 to the committee of either house designated pursuant to s.
 433 11.045(5), Florida Statutes, and may appear in person before the
 434 committee in accordance with s. 11.045(5), Florida Statutes.

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1.9—Effect of Readoption and Revision

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

Joint Rule Two—General Appropriations Review Period

2.1—General Appropriations and Related Bills; Review Periods

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

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

(3) If a bill is referred to a conference committee by operation of this rule, a 72-hour public review period shall be

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461 provided prior to a vote being taken on the conference committee
462 report by either house.

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

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

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

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

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

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487 manner requested.

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

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

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

510 (9) With respect to each bill that may be affected, a
511 member of the Senate or the House of Representatives may not
512 raise a point of order under this rule after a vote is taken on

513 the bill. Except as may be required by the Florida Constitution,
514 noncompliance with any requirement of this rule may be waived by
515 a two-thirds vote of those members present and voting in each
516 house.

517

518 2.2-General Appropriations and Related Bills; Definitions

519 As used in Joint Rule Two, the term:

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

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

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

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Joint Rule Three—Joint Offices and Policies

3.1—Joint Legislative Offices

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

- (a) Office of Economic and Demographic Research.
- (b) Office of Legislative Information Technology Services.
- (c) Office of Legislative Services.
- (d) Office of Program Policy Analysis and Government

Accountability.

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

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

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

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

572 (6) The Office of Economic and Demographic Research shall
573 provide research support services, principally regarding
574 forecasting economic and social trends that affect policymaking,
575 revenues, and appropriations.

576 (7) The Office of Program Policy Analysis and Government
577 Accountability shall:

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

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

590

591 3.2-Joint Policies

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

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

603
 604 Joint Rule Four-Joint Committees
 605

606 4.1-Standing Joint Committees

607 (1) The following standing joint committees are
 608 established:

609 (a) Administrative Procedures Committee.

610 (b) Committee on Public Counsel Oversight.

611 (c) Legislative Auditing Committee.

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

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

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617 the House of Representatives in accordance with their respective
618 rules. There shall be appointed to each standing joint committee
619 no fewer than five and no more than seven members from each
620 house.

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

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

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

632 (b) The Speaker of the House of Representatives shall
633 appoint a member of the House of Representatives to serve as the
634 chair, and the President of the Senate shall appoint a member of
635 the Senate to serve as the vice chair, for:

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

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

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

645

646 4.2—Procedures in Joint Committees

647 The following rules shall govern procedures in joint committees
648 other than conference committees:

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

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

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

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

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669 of the House shall be deemed notice to members of the House of
670 Representatives. Noticed meetings may be canceled by the chair
671 with the approval of at least one presiding officer.

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

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

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

688

689 4.3—Powers of Joint Committees

690 (1) A joint committee may exercise the subpoena powers
691 vested by law in a standing committee of the Legislature. A
692 subpoena issued under this rule must be approved and signed by
693 the President of the Senate and the Speaker of the House of
694 Representatives and attested by the Secretary of the Senate and

695 the Clerk of the House.

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

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

702
 703 4.4—Administration of Joint Committees

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

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

718
 719 4.5—Special Powers and Duties of the Legislative Auditing
 720 Committee

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

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

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

736
 737 4.6—Special Powers and Duties of the Administrative Procedures
 738 Committee

739 The Administrative Procedures Committee shall:

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

745 (2) Maintain a continuous review of administrative rules
 746 and identify and request an agency to repeal any rule or any

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747 provision of any rule that reiterates or paraphrases any statute
748 or for which the statutory authority has been repealed.

749 (3) Review administrative rules and advise the agencies
750 concerned of its findings.

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

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

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

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

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773 (8) Subject to the approval of the President of the Senate
774 and the Speaker of the House of Representatives, have standing
775 to seek judicial review, on behalf of the Legislature or the
776 citizens of this state, of the validity or invalidity of any
777 administrative rule to which the committee has voted an
778 objection and that has not been withdrawn, modified, repealed,
779 or amended to meet the objection. Judicial review under this
780 subsection may not be initiated until the Governor and the head
781 of the agency making the rule to which the committee has
782 objected have been notified of the committee's proposed action
783 and have been given a reasonable opportunity, not to exceed 60
784 days, for consultation with the committee. The committee may
785 expend public funds from its appropriation for the purpose of
786 seeking judicial review.

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

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

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

799
 800 4.7—Special Powers and Duties of the Committee on Public Counsel
 801 Oversight

802 (1) The Committee on Public Counsel Oversight shall
 803 appoint a Public Counsel.

804 (2) The Committee on Public Counsel Oversight may file a
 805 complaint with the Commission on Ethics alleging a violation of
 806 chapter 350, Florida Statutes, by a current or former public
 807 service commissioner, an employee of the Public Service
 808 Commission, or a member of the Public Service Commission
 809 Nominating Council.

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

815
 816 Joint Rule Five—Auditor General

817
 818 5.1—Rulemaking Authority
 819 The Auditor General shall make and enforce reasonable rules and
 820 regulations necessary to facilitate audits that he or she is
 821 authorized to perform.

822
 823 5.2—Budget and Accounting
 824 (1) The Auditor General shall prepare and submit annually

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825 to the President of the Senate and the Speaker of the House of
826 Representatives for their joint approval a proposed budget for
827 the ensuing fiscal year.

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

835

836 5.3-Audit Report Distribution

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

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

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

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

859 (5) The Auditor General shall transmit to the President of
860 the Senate and the Speaker of the House of Representatives, by
861 December 1 of each year, a list of statutory and fiscal changes
862 recommended by audit reports. The recommendations shall be
863 presented in two categories: one addressing substantive law and
864 policy issues and the other addressing budget issues. The
865 Auditor General may also transmit recommendations at other times
866 of the year when the information would be timely and useful for
867 the Legislature.

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

875

876 Joint Rule Six—Joint Legislative Budget Commission

877
878 6.1-General Responsibilities

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

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

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

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

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

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

902 (7) The commission, with the approval of the President of

903 the Senate and the Speaker of the House of Representatives, may
904 appoint subcommittees as necessary to facilitate its work.

905

906 6.2—Organizational Structure

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

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

918

919 6.3—Notice of Commission Meetings

920 Not less than 7 days prior to a meeting of the commission, a
921 notice of the meeting, stating the items to be considered, date,
922 time, and place, shall be filed with the Secretary of the Senate
923 when the chair of the commission is a member of the Senate or
924 with the Clerk of the House when the chair of the commission is
925 a member of the House of Representatives. The Secretary of the
926 Senate or the Clerk of the House shall distribute notice to the
927 Legislature and the public, consistent with the rules and
928 policies of their respective houses.

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6.4—Effect of Adoption; Intent

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

Joint Rule Seven—Qualifications of Members

7.1—Residency

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

- (a) Where one claims to reside, as reflected in statements to others or in official documents;
- (b) The abandonment of a prior legal residence, as evidenced by moving from or selling a prior legal residence;
- (c) The abandonment of rights and privileges associated with a prior legal residence;
- (d) Where one is registered as a voter;

955 (e) Where one claims a legal residence for a homestead
 956 exemption;

957 (f) Where one claims a legal residence for a driver
 958 license or other government privilege or benefit;

959 (g) The transfer of one's bank accounts to the district
 960 where one maintains a legal residence;

961 (h) Where one's spouse and minor children maintain a legal
 962 residence, work, and attend school;

963 (i) Where one receives mail and other correspondence;

964 (j) Where one customarily resides;

965 (k) Where one conducts business affairs;

966 (l) Where one rents or leases property; and

967 (m) Where one plans the construction of a new legal
 968 residence.

969 (2) In accordance with Section 3 of Article X of the
 970 Florida Constitution, a vacancy in office occurs when a member
 971 fails to maintain a legal residence within his or her district
 972 as required at the time of election.

973 (3) In accordance with Section 2 of Article III of the
 974 Florida Constitution, each house of the Legislature shall be the
 975 sole judge of the qualifications of its members, including
 976 whether a member no longer satisfies his or her qualifications
 977 for office.

978 (4) Each member shall affirm in writing that he or she is
 979 a legal resident and elector of his or her district based on the
 980 provisions of this Joint Rule. Each member shall file the

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