

By Senator Braynon

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1 Senate Concurrent Resolution

2 A concurrent resolution establishing the Joint Rules  
3 of the Florida Legislature for the 2016-2018 term.

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

7  
8 That the following joint rules shall govern the Florida  
9 Legislature for the 2016-2018 term:

10  
11 JOINT RULES

12  
13 Joint Rule One—Lobbyist Registration and Compensation Reporting

14  
15 1.1—Those Required to Register; Exemptions; Committee Appearance  
16 Records

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

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

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

27 (b) "Legislative action" means introduction, sponsorship,  
28 testimony, debate, voting, or any other official action on any  
29 measure, resolution, amendment, nomination, appointment, or  
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

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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  
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

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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  
88 requirement.

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

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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.

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

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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,  
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

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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.

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

177 (6) A person required to register under Joint Rule One

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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  
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,

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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  
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



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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:

Category (dollars)	Dollar amount to use aggregating
0	0

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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 LRCRS is responsible for protecting the credentials from disclosure and is responsible for all filings made by use of such credentials, unless and until the Office is notified that

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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  
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

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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  
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.

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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.

370

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

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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  
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,

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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  
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.

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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.

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



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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.

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

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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.

515

516 2.2-General Appropriations and Related Bills; Definitions

517 As used in Joint Rule Two, the term:

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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.

544 (b) Office of Legislative Information Technology Services.

545 (c) Office of Legislative Services.

546 (d) Office of Program Policy Analysis and Government

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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,  
573 revenues, and appropriations.

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

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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.

601

### 602 Joint Rule Four-Joint Committees

603

### 604 4.1-Standing Joint Committees

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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  
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:

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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.

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

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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  
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



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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 718 Committee

719 (1) The Legislative Auditing Committee may direct the  
720 Auditor General or the Office of Program Policy Analysis and

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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.

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

749 (4) Exercise the duties prescribed by chapter 120, Florida

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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  
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

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

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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

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

834

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

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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  
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.

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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.

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

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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  
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



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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;

950 (c) The abandonment of rights and privileges associated  
951 with a prior legal residence;

952 (d) Where one is registered as a voter;

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- 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  
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

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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.