

By Senator Gaetz

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Senate Concurrent Resolution

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

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

That the following joint rules shall govern the Florida  
Legislature for the 2014-2016 term:

JOINT RULES

Joint Rule One—Lobbyist Registration and Compensation Reporting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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88 requirement.

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

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

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

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

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

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

106 (a) A member of the Legislature.

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

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

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

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

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

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

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

137  
138 1.2-Method of Registration

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

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

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

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

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

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

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

### 1.3-Registration Costs; Exemptions

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

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

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

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

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

(d) Two employees of the Commission on Ethics.

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

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

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

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

#### 1.4-Reporting of Lobbying Firm Compensation

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

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

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

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

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

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

2. Total compensation provided or owed to the lobbying firm



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

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

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

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

(d) The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this rule; certify that no compensation has been omitted from this report by deeming such compensation as "consulting services," "media services," "professional services," or anything other than compensation; and certify that no officer or employee of the firm has made an expenditure in violation of s. 11.045, Florida Statutes.

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

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Category (dollars)

Dollar amount to use aggregating

0

0

1-9,999

5,000

10,000-19,999

15,000

20,000-29,999

25,000

30,000-39,999

35,000

40,000-49,999

45,000

50,000 or more

Actual amount reported

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

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

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

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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 the person's credentials have been compromised. Each report filed by electronic means pursuant to this rule shall be deemed certified in accordance with paragraph (1)(d) by the person given the secure sign-on credentials and, as such, subjects the person and the lobbying firm to the provisions of s. 11.045(8), Florida Statutes, as well as any discipline provided under the rules of the Senate or House of Representatives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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370  
371 1.6-Open Records; Internet Publication of Registrations and  
372 Compensation Reports

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

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

384  
385 1.7-Records Retention and Inspection and Complaint Procedure

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

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

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

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

#### 1.8-Questions Regarding Interpretation of Joint Rule One

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

(2) A person in doubt about the applicability or

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

#### 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.



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

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

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

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

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

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

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

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

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

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

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## 2.2-General Appropriations and Related Bills; Definitions

As used in Joint Rule Two, the term:

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

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

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

## 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.

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(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.

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

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

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

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revenues, and appropriations.

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

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

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

### 3.2-Joint Policies

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

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

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## Joint Rule Four—Joint Committees

## 4.1—Standing Joint Committees

(1) The following standing joint committees are established:

(a) Administrative Procedures Committee.

(b) Committee on Public Counsel Oversight.

(c) Legislative Auditing Committee.

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

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

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

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

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

(b) The Speaker of the House of Representatives shall

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

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

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

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

643  
644 4.2-Procedures in Joint Committees

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

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

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

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

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

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

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

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

#### 4.3-Powers of Joint Committees

(1) A joint committee may exercise the subpoena powers



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

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

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

#### 4.4-Administration of Joint Committees

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

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

#### 4.5-Special Powers and Duties of the Legislative Auditing

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Committee

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

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

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

#### 4.6—Special Powers and Duties of the Administrative Procedures Committee

The Administrative Procedures Committee shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

813  
814 Joint Rule Five—Auditor General

815  
816 5.1—Rulemaking Authority

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

820  
821 5.2—Budget and Accounting

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

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

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## 834 5.3-Audit Report Distribution

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

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

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

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

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

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

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

#### Joint Rule Six—Joint Legislative Budget Commission

##### 6.1—General Responsibilities

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

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

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

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

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

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

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

#### 6.2-Organizational Structure

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

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

#### 6.3-Notice of Commission Meetings

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



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

#### 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;

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

(d) Where one is registered as a voter;

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

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

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

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

(i) Where one receives mail and other correspondence;

(j) Where one customarily resides;

(k) Where one conducts business affairs;

(l) Where one rents or leases property; and

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

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

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

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

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