

**STORAGE NAME:** s0720.rc  
**DATE:** March 18, 2000

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
RULES & CALENDAR  
ANALYSIS**

**BILL #:** SCR 720  
**RELATING TO:** Joint Rules of Legislature  
**SPONSOR(S):** Senator McKay  
**TIED BILL(S):** SB 718

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) RULES & CALENDAR
  - (2)
  - (3)
  - (4)
  - (5)
- 

**I. SUMMARY:**

This concurrent resolution would amend Joint Rules 1, 4, 5, and 6 of the Legislature.

Joint Rule 1 would be amended by: adding the full legal name and driver's license number of the registering lobbyist to the registration form; designating the first lobbyist who registers to represent a principal as the designated lobbyist, however, the principal may change its designated lobbyist at any time by notifying the Lobbyist Registration Office of the designation of a new designated lobbyist within 15 days upon termination of the current designated lobbyist; requiring the lobbyist to retain responsibility for filing an expenditure report for any portion of a reporting period during which the lobbyist was registered; requiring the principal to also be responsible for ensuring a report is filed and to sign the expenditure report submitted by the principal's designated lobbyist; reducing the number of reports to two per year; placing a cap of \$5,000 on fines assessed for late-filed reports; revising time frames for notice requirements by allowing more time; providing for a process whereby the filing of an expenditure report may be waived upon good cause shown, based on unusual circumstances; and requiring that the Department of Banking and Finance collect any fine not timely paid.

Joint Rule 4 would be amended to modify the approval process for budgets of the Joint Legislative Auditing Committee and the offices it oversees. It would provide a process for requesting audits and reviews from legislators. It would change the audit process for the Joint Legislative Auditing Committee and the offices under its supervision.

Joint Rule 5 would be amended to require the Auditor General to submit to the President of the Senate and Speaker of the House of Representatives an operating budget for their joint approval. The Joint Legislative Auditing Committee's approval of the Auditor General's operating budget would be deleted. The Auditor General would be required to transmit a copy of each audit report to the appropriate committees of both houses. In addition, the Auditor General would be required to transmit to the President of the Senate and Speaker of the House of Representatives certain recommendations based on audit reports.

Joint Rule 6 would be amended to clarify the Director of OPPAGA's ability to enter into contracts and make spending decisions. The Director would be required to submit to the leadership of both houses a work plan for the ensuing fiscal year. It would require that certain reports be made to the President of the Senate and Speaker of the House of Representatives. The Joint Legislative Auditing Committee's approval of OPPAGA's operating budget and contracts would be deleted.

**II. SUBSTANTIVE ANALYSIS:**

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |                             |   |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Joint Rule 1, Lobbyist Registration and Reporting, requires the principal to appoint a lobbyist as the designated lobbyist prior to the registration of another lobbyist on behalf of that principal. If a designated lobbyist cancels his or her registration, there is no procedure to name a successor. A lobbyist or principal may notify the Lobbyist Registration Office of cancellation. The number of reports required per year is variable and the reporting deadlines are variable. The current penalty of a late filing of a report is \$50 per day with no cap. The late filing fee is due 20 days after the lobbyist receives the notice of payment due from the Lobbyist Registration Office. The request for a one-time waiver follows the same process. Notice of an appeal must be filed within 20 days of receipt of notice of payment due. A request for hearing must be made within the same 20 day time frame.

Joint Rule 4 provides that the Joint Legislative Auditing Committee review the budget requests of the Auditor General and OPPAGA. The budget request, as amended by the committee, shall become the operating budget of the Auditor General and OPPAGA.

Joint Rule 5 requires the Auditor General to submit an annual proposed budget to the Joint Legislative Auditing Committee for approval. The rule gives authority to the Auditor General to approve all invoices for salaries for his or her staff, except for members of the Legislative Auditing Committee.

Joint Rule 6 provides that with the consent of the Joint Legislative Auditing Committee the Director of OPPAGA may enter into contracts on behalf of OPPAGA. It also requires the director to submit to the Joint Legislative Auditing Committee an annual operating budget for approval.

C. EFFECT OF PROPOSED CHANGES:

Joint Rule 1 provides that identity information provided by a registrant must include their full legal name and driver's license number. The first lobbyist who registers to represent a principal shall be the designated lobbyist. The principal may change the designated lobbyist at any time and upon termination of the designated lobbyist's registration the principal shall notify the Lobbyist Registration Office within 15 days of a new designated lobbyist. The notice of cancellation takes effect the day it is received by the Lobbyist Registration Office. The responsibility for filing of reports for the period of time the lobbyist represented the principal remains with the lobbyist. The principal is also responsible to ensure that a report is filed. The number of reports required is fixed at two per year and the time frames for reporting are fixed. The principal is now required to sign the expenditure report. The fine for late filing of a report is capped at \$5,000. Ten days are added to the times when a late filing fee is due and request of a one-time waiver can be made. The same time frames and process will relate to

notice of appeal or request for hearing. The measurement of when the time frame runs is changed from receipt by the recipient to transmission by the Lobbyist Registration Office. Language is added that permits a request that filing of an expenditure report be waived upon good cause after a recommendation is made by the General Counsel of the Office of Legislative Services and with the approval of the President of the Senate and the Speaker of the House of Representatives. If a lobbyist fails to timely pay a fine his or her registration is automatically suspended until the fine is paid or a waiver is granted. The Department of Banking and Finance shall collect fines that are not timely paid.

Joint Rules 4, 5, and 6 reflect changes made to ss. 11.42, and 11.511, F.S., in CS/CS SB 2426, Chapter 99-333, Laws of Florida.

Joint Rule 4 is amended to provide for the approval of budget requests, operating budgets and changes to approved operating budgets to shift from the Joint Legislative Auditing Committee to the President of the Senate and Speaker of the House of Representatives. The Public Counsel is added to the list of those whose budgets they approve. The process for audit requests and reviews is outlined. Committee review and approval of budgets is deleted.

Joint Rule 5 is amended to require the Auditor General to submit to the President of the Senate and the Speaker of the House of Representatives an annual operating budget for their joint approval. The Auditor General will be required to transmit to appropriate committees of each house completed audit reports. The Auditor General will transmit to the President of the Senate and the Speaker of the House by December 1, of each year a list of statutory and fiscal changes recommended by audit report. The recommendations will be in two categories: one addressing substantive law and policy issues and the other addressing budget issues. This does not preclude the Auditor General from transmitting reports at other times of the year.

Joint Rule 6 is amended to require the Director of OPPAGA to prepare and submit annually to the President of the Senate and Speaker of the House of Representatives for their joint approval, the annual projected work plan of the office in conjunction with a proposed operating budget for the ensuing fiscal year. Within monetary limitations of the approved operating budget, the director shall make all spending decisions including entering into contracts. The director shall transmit to the leaders of both houses by December 1 of each year a list of statutory and fiscal changes recommended by the office reports. The recommendations are to be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. Reports may also be transmitted at other times of the year.

**D. SECTION-BY-SECTION ANALYSIS:**

This section need be completed only in the discretion of the Committee.

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

N/A

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2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A \$5000 cap is placed on fines for the late filing of reports under Joint Rule 1.

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

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C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON RULES & CALENDAR:

Prepared by:

Staff Director:

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Jill Fike Turman

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R. Philip Twogood