

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 720

SPONSOR: Senator McKay

SUBJECT: Joint Rules of Legislature

DATE: February 17, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kassack</u>	<u>Kassack</u>	<u>RC</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This concurrent resolution amends the Joint Rules of the Legislature. Joint Rule 1 is amended to add to the registration form the registrant's full legal name and driver's license number. The rule is amended to designate the first lobbyist who registers to represent a principal as the designated lobbyist. The principal may change its designated lobbyist at any time and must notify the Lobbyist Registration Office of the designation of a new designated lobbyist within 15 days upon termination of the current designated lobbyist. Notice of cancellation takes effect the day it is received by the Lobbyist Registration Office. If registration is canceled, the lobbyist retains responsibility for filing an expenditure report for any portion of a reporting period during which the lobbyist was registered. The principal is also responsible for ensuring a report is filed. The number of reports is fixed at two per year. The rule requires the principal to sign the expenditure report submitted by the principal's designated lobbyist. A cap is placed on fines. Time frames are expanded and notice requirements are amended. A process is added to request that the filing of an expenditure report be waived for good cause. The Department of Banking and Insurance is required to collect any late fine. The registration of a lobbyist who fails to timely pay a fine is automatically suspended until paid or waived.

Joint Rule 4 is amended to modify the approval process for budgets of the Joint Legislative Auditing Committee and the offices it oversees. It provides a process for requesting audits and reviews from legislators. It changes the audit process for this committee and offices under its supervision.

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

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

This bill Amends Joint Rules of the Legislature 1, 4, 5, and 6.

II. 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.

III. 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 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 \$5000. Ten days are added to

the time 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 with the approval of the President of the Senate and 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 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.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
