

ORGANIZATION

1.001 – General Authority.

1.002 – Composition of the Commission.

1.003 – Commission Officers.

1.004 – General Description of Commission Organization and Operations.

1.005 – Functions and Duties.

1.006 – Intergovernmental Cooperation.

1.007 – General Information Concerning Records and Proceedings.

1.001 – General Authority.

The Taxation and Budget Reform Commission (hereafter referred to as the Commission) is created under the authority of Section 6 of Article XI, the Florida Constitution of 1968. Additional authority is granted under the provisions of Section 286.036, Florida Statutes.

1.002 – Composition of the Commission.

(1) The Taxation and Budget Reform Commission is composed of the following members:

(a) Eleven (11) members selected by the Governor, none of whom shall be a member of the Legislature at the time of appointment.

(b) Seven (7) members selected by the Speaker of the House of Representatives and seven (7) members selected by the President of the Senate, none of whom shall be a member of the Legislature at the time of appointment.

(c) Four (4) non-voting ex-officio members, all of whom shall be members of the Legislature at the time of appointment. Two (2) of these members, one (1) of whom shall be of the minority party in the House of Representatives, shall be selected by the Speaker of the House of Representatives, and two (2) of these members, one (1) of whom shall be a member of the minority party in the Senate, shall be selected by the President of the Senate.

(2) Vacancies shall be filled in the same number as the original appointments.

(3) Members of the Commission are not entitled to compensation for their services as members, but shall be reimbursed for per diem and traveling expenses as provided in Section 112.061, Florida Statutes.

1.003 – Commission Officers.

(1) The Commission shall, by a majority vote of all voting members, elect from among its members a chair and a vice-chair who are not members of the Legislature and such officers as it may deem necessary who are not members of the Legislature.

(2) If the chair, vice-chair, or any other designated officers are absent at any meeting, the temporary chair of the Commission shall be chair of one of the substantive committees established in these rules. The chair of each substantive committee, in turn and according to the order listed in 1.004(2), shall serve as temporary chair in the absence of the Commission chair and vice-chair.

1.004 – General Description of Commission Organization and Operations.

(1) The chair, with the approval of the Commission, shall have authority to appoint standing and interim committees, and the members of each, designating a chair and vice-chair thereof.

(2) The following standing committees are hereby created:

- (a) Coordinating;
- (b) Style and Drafting;
- (c) Governmental Services;
- (d) Planning and Budgetary Processes;
- (e) Governmental Procedures and Structure; and
- (f) Finance and Taxation.

Each standing committee shall be composed of no less than three (3) members and no more than eleven (11) members. The chair of the Commission shall be chair of the Coordinating Committee. The last four (4) committees named above shall be the substantive committees of the Commission and shall investigate and consider matters for which they are assigned responsibility in these rules. They shall report the results of their examination and deliberations to the full Commission and make recommendations for any constitutional or statutory change. With the exception of procedural or routine administrative matters, any recommendation of the committees will serve as the basis for further consideration by the full Commission. A substantive matter referred to the Commission by a committee shall be designated “Submitted with Recommendation for Approval,” “Submitted with Recommendation for Rejection,” or “Submitted without Recommendation.”

The Coordinating Committee will be responsible for planning and arranging public information, public meetings, and hearings for the Commission and its committees. It will be responsible for developing the calendar of substantive matters for consideration by the Commission from recommendations forwarded by each of the standing committees. It will coordinate with other state agencies in the use of available resources and refer any recommendations submitted by local governments to the appropriate committee for consideration. The committee shall work with staff in coordinating

research and hiring consultants. It will coordinate the activities, reports, recommendations, and presentations of the substantive committees. It shall also oversee the development of a comprehensive and orderly system of records designed to preserve a history of the Commission's work. The committee will review all proposed changes in the rules and act on other matters as may be referred to it by the chair.

The Style and Drafting Committee will be responsible for conforming the work product from each of the substantive committees and overseeing the preparation of any proposed constitutional amendments, proposed statutory changes, recommendations and reports from the Commission.

The Governmental Services Committee will be responsible for examining the revenue needs of the state and its local governments, and evaluating the demand and requirements for operational services and capital facilities by state and local government during the next twenty (20) years. The committee will examine constitutional limitations on expenditures at the state and local level. It will determine what services are provided, how they are currently financed, at what level of service they are provided, and how the costs of the services are projected to change over the next twenty (20) years. It will identify the reasons for the rise in service expenditures, assess the impact of the projected service inventory, and recommend any needed constitutional or statutory changes. It will be responsible for the functions and duties listed in 1.005(3), 1.005(4), 1.005(7), and 1.005(10).

The Planning and Budgetary Processes Committee will be responsible for examining the state budgetary process. It will identify the financial planning and budgeting systems used by state and local governments in Florida and assess their purpose, operation, and effect. It will review the state and local financial planning, budgeting, and needs assessment processes to determine whether the resulting information adequately supports a strategic decision making process. It will identify the statutory and constitutional constraints on state and local financial planning and budgetary processes and make appropriate recommendations for change. It will be responsible for the functions and duties listed in 1.005(1), 1.005(2), 1.005(3), 1.005(7), and 1.005(10).

The Governmental Procedures and Structure Committee will be responsible for examining governmental efficiency and productivity at both the state and local levels. It will determine what techniques are used in the state to improve the cost effectiveness of the delivery of services. It will assess the impact of these techniques and evaluate the constitutional and statutory constraints which impede their use. It will determine what measures could be instituted to realize additional revenues from existing tax sources. The committee will also examine the existing pattern of governance and the division of responsibilities in the state to determine if they promote governmental efficiency and effectiveness and enable governmental operations and capital facilities to be funded adequately. It will be responsible for the functions and duties listed in 1.005(5), 1.005(7), 1.005(8), and 1.005(10).

The Finance and Taxation Committee will be responsible for examining the appropriateness of the tax structure of state and local governments. It will investigate how governmental activities in Florida are funded and how the existing structure is projected to function in the next twenty (20) years. It will assess the effects of the current financial structure and determine the methods favored by the citizens of the state to fund the levels of service identified by the Governmental Services Committee. It will examine the constitutional and statutory limitations on finance and taxation and make appropriate recommendations. It will be responsible for the functions and duties listed in 1.005(6), 1.005(7), 1.005(8), 1.005(9), and 1.005(10).

(3) No member of the Commission shall incur any obligation payable from state funds without prior approval of the Commission chair, unless otherwise provided for in the rules. Travel of Commission members in the performance of official duties, other than travel to and from scheduled Commission meetings, shall be subject to approval by the chair.

(4) The staff of the Commission is headed by an Executive Director selected by the chair and serving at his or her pleasure. The Executive Director, with the approval of the chair, may employ and set the compensation of professional, technical, legal, or clerical staff as may be necessary, and may remove these personnel. The Executive Director shall have authority to approve staff travel with reimbursement for per diem and traveling expenses as provided in Section 112.061, Florida Statutes.

(5) The Executive Director, with the consent of the Coordinating Committee, and within budget, may acquire the services of consultants and enter into contracts on behalf of the Commission.

(6) The staff shall make recommendations for the Commission's consideration and otherwise advise and assist the Commission in carrying out Commission functions and duties.

(7) The staff shall prepare a budget for approval by the Commission. Budget amendments shall require the approval of the chair who will report such changes to the Coordinating Committee.

(8) The staff shall submit a quarterly budget report to the Commission for its review.

1.005 – Functions and Duties.

The primary role of the Commission shall be to recommend statutory and constitutional changes dealing with taxation and the state budgetary process. "Taxation" means all public revenues and revenue raising laws at every level of government in the state. The "state budgetary process" means the manner in which every level of government in the state expends funds, incurs debt, assesses needs, acquires financial information, and administers its fiscal affairs, and includes the legislative appropriation process and the budgetary practices and principles of all agencies and subdivisions of the state involved

in financial planning, determining, implementing, administering, and reviewing governmental programs and services.

It shall be the function and duty of the Commission to:

- (1) Examine the state budgetary process;
- (2) Review the state's comprehensive planning, budgeting, and needs assessment processes to determine whether the resulting information adequately supports a strategic decision making process;
- (3) Examine expenditure processes of the state;
- (4) Examine revenue needs of the state;
- (5) Examine governmental productivity and efficiency, including the examination of ways to save money in the expenditures for goods and services;
- (6) Examine the appropriateness of the tax structure of the state;
- (7) Review policies relating to the ability of state and local government to tax and adequately fund governmental operations and capital facilities required to meet the state's needs during the next twenty (20) year period;
- (8) Determine measures that could be instituted to effectively gather funds from existing tax sources;
- (9) Determine methods favored by the citizens of the state to fund the needs of the state, including alternative methods for raising sufficient revenues for the needs of the state;
- (10) Examine constitutional limitations on taxation and expenditures at the state and local level;
- (11) Hold public meetings to carry out its responsibilities;
- (12) Issue reports of the results of its examinations and, where appropriate, make recommendations to the Legislature and Governor for statutory changes related to the taxation or budgetary laws of the state; and
- (13) File proposed revisions of the State Constitution dealing with taxation or the state budgetary process with the Secretary of State before May 4, 2008 for consideration in the 2008 General Election.

1.006 – Intergovernmental Cooperation.

Each officer, board, commission, council, department, or agency of state government, and each political subdivision of the state shall, when not inconsistent with any law, rule or regulation regarding confidentiality, make available all facts, records, information, and data requested by the Commission and in all ways cooperate with the Commission in carrying out its functions and duties.

1.007 – General Information Concerning Records and Proceedings.

(1) Location. The Commission office is located in the Holland Building, Suite 245, 600 South Calhoun Street, Tallahassee, Florida. Office hours are from 8:00 a.m. – 5:00 p.m., Monday through Friday, except for state holidays. The telephone number of the Commission is (850) 921-8905.

(2) Access to Records. Public records are available in the Commission office for inspection by any person during office hours. Persons wishing to correspond by mail may write to the following address:

Taxation and Budget Reform Commission
Holland Building, Suite 245
600 South Calhoun Street
Tallahassee, Florida 32399-1300

Notices, meeting minutes and recordings, and other news and information related to the Commission are available on the public website at: www.floridatbrc.org

Persons wishing to obtain copies of Commission documents on file should make a written request or obtain copies at the Commission office. Copies shall be made available at no more than cost.

(3) Public Access to Commission Proceedings. Persons may receive notice of Commission and committee meetings by requesting in writing to be placed upon the mailing list for notices of meetings. Commission meetings are public and may be attended by any person.

(4) All records of the Commission are subject to the provisions of Article I, Section 24 of the State Constitution and Section 286.011, Florida Statutes.

AGENDA, SCHEDULING, AND CONDUCT OF MEETINGS AND WORKSHOPS

- 2.001 – Notice of Meeting.**
- 2.002 – Scheduling of Meetings.**
- 2.003 – Meetings and Hearings.**
- 2.004 – Findings and Recommendations.**
- 2.005 – Agenda of Meetings and Workshops.**
- 2.006 – Emergency Meetings.**

2.001 – Notice of Meeting.

- (1) Except in the case of emergencies, the Commission and its committees shall give at least seven (7) days public notice of any meeting or workshop by publication in Florida Administrative Weekly and/or by publication on the Commission website and through local and statewide media.
- (2) Such notice of meeting or workshop shall state:
 - (a) The date, time, and place of the event;
 - (b) A brief description of the purpose of the event; and
 - (c) How interested persons can obtain a copy of the agenda.
- (3) The Commission shall utilize the following form in providing notice of the meeting or workshop.

NOTICE OF PUBLIC MEETING OR WORKSHOP

The Taxation and Budget Reform Commission announces a public meeting or workshop to which all persons are invited.

DATE AND TIME: _____

PLACE: _____

PURPOSE: _____

A copy of the agenda may be obtained by sending a written request to:

Taxation and Budget Reform Commission
600 South Calhoun Street, Suite 245
Tallahassee, Florida 32399-1300

www.floridatbrc.org

2.002 – Scheduling of Meetings.

- (1) The Commission shall hold meetings at least quarterly and at such other times as it deems necessary.
- (2) The Commission or its committees may hold hearings from time to time on matters that may be in the public interest.

2.003 – Meetings and Hearings.

- (1) All proceedings of the Commission or any committee shall be open to the public. The presence of a majority of the voting members of the Commission shall constitute a quorum for meetings of the entire Commission. Members must be present, in person, for Commission proceedings. Members must be present, in person, to participate in the voting process. In the event of an extraordinary situation that precludes a member's presence at a proceeding, the chair may provide for other means of participation in the proceeding.
- (2) The Commission chair may excuse any member from attendance at any Commission proceeding and its committees for any stated period. In order to be excused from a proceeding, members who are unable to attend must provide a written request to the chair in advance of the proceeding. Attendance records shall be included in the records of each proceeding. Three (3) consecutive unexcused absences may be cause for removal.
- (3) Each committee shall meet publicly at such times as are called by the chair thereof, subject to the approval of the Commission chair. The presence, either in person or by telephone, of a majority of committee members shall constitute a quorum. Members must be present, in person or by phone, to vote. Committee chairs may excuse members of their respective committees from attendance. In order to be excused, committee members must provide a written request, in advance, to the committee chair. Attendance records of the committees shall be included in the records of each committee meeting. Three (3) consecutive unexcused absences may be cause for removal. Committee meetings shall be scheduled, when possible, as to avoid conflict with other meetings.
- (4) No member of a committee shall vote by proxy. A majority of all committee members present, in person or by telephone, shall agree upon the disposition of any matter unless otherwise provided herein.
- (5) The chair of the Commission may vote on all matters being considered by any committee. For purposes of establishing a quorum, the chair shall not be considered a member of any committee.

(6) Non-voting members of the Commission may participate in the work of any committee, but shall not vote on matters being considered by any committee. For purposes of establishing a quorum, a non-voting member shall not be considered as a member of any committee.

(7) Promptly after each meeting of a committee, a report thereof shall be filed by the committee chair with the Commission.

2.004 – Findings and Recommendations.

The Commission shall make findings and recommendations pursuant to Article XI, Section 6 of the Florida Constitution and submit them in writing to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Commission will provide periodic reports on its investigations at the time and in a manner determined by the Coordinating Committee.

(1) Not later than one hundred eighty (180) days prior to the general election in the second year following the year in which the Commission is established, the Commission shall file with the Secretary of State its proposals, if any, for a revision of the Florida Constitution or any part of it dealing with taxation or the state budgetary process.

(2) An affirmative vote of two-thirds (2/3) of the voting members of the full Commission shall be necessary for any revision of the Constitution proposed by the Commission.

(3) Except as provided by Section 6, Article XI of the State Constitution for approval of proposed constitutional amendments, all findings must be by majority vote of the voting members present and all recommendations of the Commission must be by majority vote of all voting members.

2.005 – Agenda of Meetings and Workshops.

(1) At least seven (7) days prior to a meeting or workshop, the Commission or a committee shall prepare an agenda for distribution at the request of any interested person.

(2) The agenda shall list the items in the order they are to be considered. For a good cause stated in the record, items on the agenda may be considered out of their stated order with the approval of the person designated to preside or by majority vote of the Commission members present.

(3) The agenda shall be specific as to items to be considered. The agenda may include items called “old business,” “new business,” “other matters which may come before the Commission,” or similar terms.

(4) The chair of the Commission or its committees may make specific additions to the agenda after it has been made available for distribution for good cause.

2.006 – Emergency Meetings.

(1) The Commission or a committee may hold an emergency meeting notwithstanding the provisions of Sections 2.001 and 2.005 of these rules for the purpose of acting upon internal administrative and ministerial matters and matters affecting the public health, safety, and welfare.

(2) Whenever an emergency meeting is scheduled to be held, the Commission or its staff shall notify at least one major newspaper of general circulation in the area where the meeting will take place and also a major wire service of the time, date and place, and purpose of the meeting.

VOTING, MOTIONS, AND AMENDMENTS

- 3.001 – Members Present Shall Vote.**
- 3.002 – Quorum; Majority Action.**
- 3.003 – Voting.**
- 3.004 – Casting Vote for Another.**
- 3.005 – Explanation of Vote.**
- 3.006 – Motions; How Made, Withdrawn.**
- 3.007 – Motions; Precedence.**
- 3.008 – Order of Questions.**
- 3.009 – Motions; Disposition.**
- 3.010 – Reconsideration; Generally.**
- 3.011 – Motion to Lay on the Table.**
- 3.012 – Amendments; Manner of Consideration.**
- 3.013 – Amendments; Adoption.**
- 3.014 – Sequence of Amendments to Amendments.**

3.001 – Members Present Shall Vote.

In accordance with Section 286.012, Florida Statutes, a vote shall be recorded or counted for each voting member present on each question put except for possible conflict of interest stated on the record (See 3.003 below).

3.002 – Quorum; Majority Action.

Thirteen (13) of the voting members of the Commission shall constitute a quorum. A majority of the votes cast by members present and voting shall be necessary for passage of any measure, unless otherwise provided in these rules.

3.003 – Voting.

The chair may take the vote by yeas and nays, but if any Commission member questions a vote, the chair shall take the vote of the Commission members by a showing of hands or by roll call. A roll call shall be made on all constitutional proposals. When the vote is recorded, the chair shall announce the result to the Commission, and the Commission secretary shall enter on the record the result in the manner provided by these rules. When the Commission vote is equally divided, the question shall fail.

Every Commission member shall be within the Commission's chamber during its sessions and shall vote on each question during its sessions and shall vote on each question except as follows. If the vote is on a question which would directly inure to a Commissioner's special private gain or loss; or which he or she knows would directly inure to the special private gain or loss of any principal by whom the Commissioner is retained or to the parent organization or subsidiary of a corporate principal by which the Commissioner is retained; or which the Commissioner knows would directly inure to the special gain or

loss of a relative or business associate of the Commissioner, the Commissioner must file with the Chair, prior to or at the time of the vote, a statement disclosing a conflict of interest which discloses the nature of his or her interest, and refrain from voting. If a Commissioner later discovers that a conflict existed, within 15 days, the Commissioner shall file with the Chair, a statement disclosing the conflict and the nature of his or her interest.

After the voting, but prior to announcement of the result of a roll call, a member may vote, or change his or her vote, and such vote shall be recorded in the meeting records. After the vote has been announced, a member, with unanimous consent of those present, may change his or her vote on the measure and such vote shall be recorded in the meeting records. However, no such change of vote shall be valid where such vote would alter the final outcome.

3.004 – Casting Vote for Another.

No Commission member shall cast a vote for another member, nor shall a non-Commission member cast a vote for a member.

3.005 – Explanation of Vote.

A Commission member shall not be permitted to explain his or her vote during a roll call, but may do so subsequently in writing. Commission members shall have an opportunity to file timely dissenting opinions with the Commission secretary for inclusion in the record.

3.006 – Motions; How Made, Withdrawn.

Every motion may be made orally with a second.

After a motion has been stated or read by the chair, it shall be disposed of by vote of the Commission members.

The mover may withdraw a motion, with the concurrence of the second, except a motion to reconsider, at any time before the motion has been amended or before a vote thereon shall have been commenced.

3.007 – Motions; Precedence.

When a main motion is under debate, the chair or presiding officer shall receive no motion except:

- (1) To adjourn;
- (2) To take a recess;
- (3) To lay on the table;
- (4) To raise a question of privilege;

- (5) To limit debate;
- (6) To postpone to a day certain;
- (7) To commit to a committee or subcommittee of the Commission;
- (8) To amend; or
- (9) To postpone indefinitely.

Such privileged and subsidiary motions shall have precedence in the descending order listed above.

3.008 – Order of Questions.

The chair or presiding officer shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. The substitute motion shall be in the order of precedence of an amendment as set forth in Rule 3.007 above.

3.009 – Motions; Disposition.

After a motion has been made, it shall be disposed of during the course of the same meeting day.

3.010 – Reconsideration; Generally.

When a motion or main question has been made and carried or lost, it shall be in order at any time on the same meeting day or at the subsequent meeting for a member on the prevailing side, or any member in the case of a voice or tie vote, to move for reconsideration thereof.

A majority of the affirmative votes of the members present and voting shall be required to adopt a motion to reconsider. A motion to reconsider shall not be made on any proposition after once being considered by vote of the Commission, except by two-thirds (2/3) vote of the members present and voting.

3.011 – Motion to Lay on the Table.

The motion to lay on the table shall be decided without debate, provided that before the motion is put, the introducer of a debatable motion shall be allowed five (5) minutes with which to discuss the same. He or she may divide that time with, or waive that right in favor of, some other member. The motion to lay on the table may not be made by the mover of the debatable motion.

If an amendment is laid on the table, such action shall not carry the subject matter with it.

3.012 – Amendments; Manner of Consideration.

Proposed amendments may be made orally or in writing unless, at the direction of the chair, a proposed amendment under consideration is required to be submitted in writing.

An amendment shall be deemed pending only after its proposer has been recognized by the chair, has moved its adoption, and received a second.

Proposed amendments must be germane to be in order. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

3.013 – Amendments; Adoption.

Amendments shall be adopted by majority vote. A tie vote defeats the amendment.

3.014 – Sequence of Amendments to Amendments.

An amendment to a pending amendment may be received, but until it is disposed of no other motion to amend will be in order except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order.

- (1) Amendments to the amendment are acted upon before the substitute is taken up. Only one amendment to the amendment is in order at a time.
- (2) Amendments to the substitute are next voted on.
- (3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment of the measure itself.

DECORUM AND DEBATE

4.001 – Decorum and Debate.

4.002 – Member Conduct.

4.003 – Commission Chair’s Power of Recognition.

4.004 – Interruption of Members in Debate.

4.005 – Limitations on Debate.

4.006 – Lobbyist Registration; Exemptions; Committee Appearance Records.

4.007 – Compliance with Section 112.3148, Florida Statutes

4.001 – Decorum and Debate.

When any member desires to speak or deliver any matter to the Commission or committee, the member shall seek recognition or approval from the “chair” and, on being recognized, may address the Commission or committee, confining his or her comments to the question under debate and avoiding personal attacks.

4.002 – Member Conduct.

Members of the Commission shall conduct themselves in such a manner as to avoid any impropriety or conflict of interest.

4.003 – Commission Chair’s Power of Recognition.

When two (2) or more members seek recognition at once, the Commission chair shall name the member who is first to speak.

4.004 – Interruption of Members in Debate.

No member shall be interrupted by another without the consent of the member who has been recognized by the chair, except by raising a question of order.

4.005 – Limitations on Debate.

When a proposal is under debate by the Commission, it shall be in order for a member to move to limit debate. The introducer of the proposal shall have five (5) minutes within which to discuss the pending motion and may divide his or her time with, or waive it in favor of, some other member. If, by two-thirds (2/3) vote, the motion to limit debate is decided in the affirmative, debate shall be limited to twenty (20) minutes to each side, unless a different time is stated in the motion, such time to be appointed by the Commission chair. Provided, however, that the introducer of the pending motion shall have an additional five (5) minutes within which to close the debate, and the proposer may divide his or her time with, or waive it in favor of, some other member.

4.006 – Lobbyist Registration; Exemptions; Committee Appearance Records.

(1) All lobbyists before the Taxation and Budget Reform Commission must register with the Lobbyist Registration Office in the Division of Legislative Information Services of the Office of Legislative Services. Registration is required for each principal represented. Any lobbyist registered as a legislative branch lobbyist as of the date of this rule who wishes to appear before the Taxation and Budget Reform Commission is not required to re-register pursuant to this rule.

(2) As used in this rule, unless the context otherwise requires:

(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) “Division” means the Division of Legislative Information Services within the Office of Legislative Services.

(c) “Action” means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter that may be the subject of action by the Taxation and Budget Reform Commission or any member or committee or subcommittee thereof.

(d) “Lobby” or “lobbying” means influencing or attempting to influence action or non-action through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Taxation and Budget Reform Commission.

(e) “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 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.

(f) “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. “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 relationships with government or representing the employer in its contacts with government. Except as provided in subsection (4) of this rule, a person employed by any executive or judicial department of the state or any entity of the state who seeks to encourage the passage, defeat, or modification of any law by personal appearance or attendance before the Taxation and Budget Reform Commission or any member or committee or subcommittee thereof, is a lobbyist.

(g) “Payment” or “salary” means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(h) “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.

(i) “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 requirement.

(3) For purposes of this rule, the terms “lobby” and “lobbying” do not include any of the following:

(a) Response to an inquiry for information made by any member, committee, or staff of the Taxation and Budget Reform Commission.

(b) Advice or services that arise out of a contractual obligation with the Taxation and Budget Reform Commission, a member, a committee, or any staff to render the advice or services where such obligation is fulfilled through the use of public funds.

(4) For purposes of registration and reporting, the term “lobbyist” does not include any of the following:

(a) A member of the Taxation and Budget Reform Commission.

(b) A person who is employed by the Taxation and Budget Reform Commission.

(c) A judge who is acting in that judge’s official capacity.

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

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of the Commission, or of a member, committee, or subcommittee.

(f) A person employed by any executive or judicial department of the state or any entity of the state who makes a personal appearance or attendance before the Taxation and Budget Reform Commission, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(g) The Governor, Lieutenant Governor, Justices of the Supreme Court, employees of the Office of the State Courts Administrator, employees of the Executive Office of the Governor, state Legislators, and legislative staff.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Taxation and Budget Reform Commission, that person must submit a Committee Appearance Record as required by the Taxation and Budget Reform Commission.

4.0061 – Method of Registration.

(1) Each person who is required to register must register on forms furnished by the Lobbyist Registration Office, on which that person must state, under oath, that person's full legal name, business address, and telephone number, the name and business address of each principal that person represents, and the extent of any direct business association or partnership that person has with any member of the Taxation and Budget Reform Commission. In addition, if the lobbyist is a partner, owner, officer, or employee of a lobbying firm, the lobbyist must state the name, address, and telephone number of each lobbying firm to which the lobbyist belongs. The Lobbyist Registration Office or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Lobbyist Registration Office in writing within 15 days on forms furnished by the Lobbyist Registration Office.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. At the time of registration, the registrant shall provide a statement on a form provided by the Lobbyist Registration Office, signed by the principal or principal's representative, that the registrant is authorized to represent the principal. On the authorization statement the principal or principal's representative shall also identify and designate the principal's main business pursuant to a classification system approved by the Office of Legislative Services that

shall be the North American Industry Classification System (NAICS) six-digit numerical code that most accurately describes the principal's main business.

(3) A lobbyist shall promptly send a notice to the Lobbyist Registration Office, on forms furnished by the Lobbyist Registration Office, canceling the registration for a principal upon termination of the lobbyist's representation of that principal. A notice of cancellation takes effect the day it is received by the Lobbyist Registration Office. Notwithstanding this requirement, the Lobbyist Registration Office may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the Lobbyist Registration Office that the lobbyist is no longer authorized to represent that principal.

(4) The Lobbyist Registration Office shall retain all original registration documents submitted under this rule.

(5) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Taxation and Budget Reform Commission for the purposes of Section 112.3148, Florida Statutes.

4.0062 – Registration Costs; Exemptions.

(1) To cover the costs incurred in administering this rule, each person who registers under this rule must pay a registration fee to the Lobbyist Registration Office. The fee 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 Commission on Ethics;
- (d) Two employees of the Florida Public Service Commission; and
- (e) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The fee is \$50 for a person to register to represent one principal and an additional \$10 for each additional principal that the person registers to represent. The fees collected by the Lobbyist Registration Office under this rule shall be deposited in the State Treasury and credited to the Legislative Lobbyist Registration Trust Fund specifically to cover the costs incurred in administering this rule.

4.0063 – Reporting of Lobbying Firm Compensation.

(1) Each lobbying firm shall file a compensation report with the division 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 shall include the:

- (a) Full name, business address, and telephone number of the lobbying firm;
- (b) Registration name of each of the firm’s lobbyists; and
- (c) 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; \$1 million or more.

(2) For each principal represented by one or more of the firm’s lobbyists, the lobbying firm’s compensation report shall also include the:

- (a) Full name, business address, and telephone number of the principal; and
- (b) Total compensation provided or owed to the lobbying firm 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.

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

- (a) 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
- (b) The reporting lobbying firm shall, for each lobbying firm identified as the reporting lobbying firm’s principal under paragraph (b), identify the name and address of the principal originating the lobbying work.

(4) 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, and 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.

(5) For each principal represented by more than one lobbying firm, the division 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:

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

(6) Compensation for lobbying the Taxation and Budget Reform Commission shall be reported separately from compensation for lobbying the Legislature.

(7) Compensation reports shall be filed manually, rather than electronically, with the Lobbyist Registration Office.

4.0064 – Open Records; Internet Publication of Registrations and Compensation Reports.

(1) All of the lobbyist registration forms and compensation reports received by the Lobbyist Registration Office shall be available for public inspection and for duplication at reasonable cost.

(2) The division shall make information filed pursuant this rule, reasonably available on the Internet in an easily understandable and accessible format. The Internet website shall include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and principals, as well as the affiliations between lobbyists and principals.

4.0065 – Questions Regarding Interpretation of this Rule.

(1) A person may request in writing an informal opinion from the General Counsel of the Taxation and Budget Reform Commission as to the application of this rule to a specific situation. 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 Office of Legislative Services. The Coordinating Committee of the Taxation and Budget Reform Commission 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) Persons in doubt about the applicability or interpretation of this rule may submit in writing the facts for an advisory opinion to the Coordinating Committee of the

Taxation and Budget Reform Commission and may appear in person before the committee.

4.007 – Compliance with Section 112.3148, Florida Statutes.

All members and staff of the Taxation and Budget Reform Commission are subject to Section 112.3148, Florida Statutes.

CONSTRUCTION AND WAIVER OF RULES

5.001 – Interpretation of Rules.

5.002 – Change of Rules.

5.003 – Waiver and Suspension of Rules.

5.004 – General.

5.001 – Interpretation of Rules.

Robert's Rules of Order shall prevail in this Commission and in any committee established pursuant to these rules in all cases in which they are applicable and in which they are not in conflict with these rules. It shall be the duty of the chair, or presiding officer at the time, to interpret all rules.

5.002 – Change of Rules.

All proposed actions relating to the rules after adoption of the final rules shall be presented to the Coordinating Committee for recommendation to the full Commission. The final rules may then be amended by a two-thirds (2/3) vote of all voting members of the Commission present.

5.003 – Waiver and Suspension of Rules.

These rules shall not be waived or suspended except by two-thirds (2/3) vote of all voting members of the Commission present, which motion when made shall be decided without debate, provided that the mover shall be allowed five (5) minutes within which to discuss same, and he or she may divide the time with, or waive his or her right in favor of some other member.

5.004 – General.

When used in these rules, the following words shall, unless text otherwise indicates, have the following respective meanings:

- (1) The singular always includes the plural; and
- (2) The masculine always includes the feminine.

DRAFTING, SUBMISSION, AND CONSIDERATION OF MEASURES

6.001 – Definitions.

6.002 – Form, Submission, and Drafting of Measures.

6.003 – Submission and Sponsorship of Measures.

6.004 – Identification and Analysis of Measures.

6.005 – Referencing of Measures to Substantive Committees.

6.006 – Setting Agenda for Consideration of Measures to Substantive Committees.

6.007 – Amendments to Formal Measures.

6.008 – Amendments to Informal Measures.

6.0085 – Amendment Sponsors

6.009 – Reporting of Substantive Committee Action.

6.010 – Calendar of Measures before the Commission.

6.0105 – Final Hearing of Measures other than Constitutional Proposals.

6.0107 – First Hearing of Measures by the Commission.

6.011 – Style and Drafting Committee.

6.012 – Final Hearing of Constitutional Proposals before the Commission.

6.014 – Deadline to File Constitutional Proposals with the Secretary of State.

6.015 – Conversion Amendments Prohibited.

6.016 – Conflict of Rules.

6.001 – Definitions.

As used in rules 6.001-6.017, the term:

(1) “Constitutional proposal” means a proposed amendment to the Florida Constitution drafted in legislative format, relating to taxation or the state budgetary process.

(2) “Formal measure” means a proposed constitutional amendment or proposed statutory recommendation.

(3) “Informal constitutional recommendation” means a recommendation to the Legislature, not drafted in legislative format, that the Legislature consider a particular amendment to the Florida Constitution.

(4) “Informal statutory recommendation” means a recommendation, not drafted in legislative drafting format, that the Legislature consider a particular statutory change.

(5) “Informal measure” means an informal constitutional recommendation or informal statutory recommendation.

(6) “Legislative format” means the Bill Drafting format required of bills and resolutions for consideration by the Florida Legislature.

(7) “Measure” means a constitutional proposal, informal constitutional recommendation, informal statutory recommendation, or statutory recommendation.

(8) “Statutory recommendation” means a recommendation drafted in legislative format that the Legislature consider a statutory change.

(9) “Substantive committee” means the Governmental Services Committee, the Planning and Budgetary Processes Committee, the Governmental Procedures and Structure Committee, or the Finance and Taxation Committee.

6.002 – Form, Submission, and Drafting of Measures.

(1) A measure must be submitted in writing to the Office of the Executive Director of the Commission by a member or a committee before it may be considered by a committee.

(2) A constitutional proposal or statutory recommendation may not be considered by a committee until it is drafted in legislative format by Commission staff and submitted to the Office of the Executive Director of the Commission; however, upon submission, a constitutional proposal may, but is not required to, have a title and a ballot summary.

(3) Upon the request of a member or a committee, Commission staff shall draft constitutional proposals and statutory recommendations in legislative format. Commission staff is authorized to request the assistance of the legislative bill drafting services to draft constitutional proposals, statutory recommendations, and amendments authorized by these rules.

(4) Commission staff shall transmit by email a copy of each measure upon submission for consideration by the Commission. Commission staff may also post measures on the Commission’s website.

6.003 – Submission and Sponsorship of Measures.

(1) Requests by a member or committee to submit a measure with the Commission shall be made in writing.

(2) The principal sponsor of a measure shall be the first named sponsor to appear on the measure. Upon approval of the principal sponsor, any member may join as a cosponsor.

6.004 – Identification and Analysis of Measures.

(1) All measures requiring Commission action shall be numbered sequentially by Commission staff when submitted.

(2) Commission staff shall prepare an analysis of each measure placed on an agenda. However, Commission staff is authorized to request the assistance of legislative or executive staff to prepare analyses.

6.005 – Referencing of Measures to Substantive Committees.

The Chairman of the Commission shall refer each timely submitted measure to a substantive committee. In the case of multiple references, a measure shall be considered by each committee in the order referred. At discretion of the Chairman of the Commission, a measure, including a measure which has been reported as a committee substitute or favorably with amendments, may be re-referenced.

6.006 – Setting Agenda for Consideration of Measures by Substantive Committees.

Each committee chair shall determine the agenda for each committee meeting.

6.007 – Amendments to Formal Measures.

(1) No amendment or proposed committee substitute to any formal measure on a committee or Commission agenda shall be considered unless the amendment or proposed committee substitute was drafted in proper form and submitted to the Commission at least forty-eight (48) hours prior to the noticed meeting time. Copies of such amendment(s) or proposed committee substitute(s) shall be sent to members via email by Commission staff.

(2) Subsequent to the submission of all timely amendments and proposed committee substitutes, amendments to amendments, or substitute amendments to any proposed committee substitute may be submitted to the Commission. Such amendments must be submitted at least twenty-four (24) hours before the noticed meeting time to be timely.

(3) The consideration of any amendment or proposed committee substitute not timely submitted in accordance with this rule, including any submitted during a committee meeting in which it is to be offered, requires a two-thirds (2/3) vote of those committee members present. These time requirements do not apply to a committee's recommendation during a meeting to make a committee substitute which is merely a combination of the noticed measure(s) and amendment(s).

(4) Amendments to formal measures must be filed in the format of a legislative amendment, but shall be considered only after sponsors gain recognition from the chair to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chair and has moved its adoption. Amendments that have been filed but have not been formally moved for adoption shall not be deemed to be pending.

(5) An amendment to a formal measure must be germane. An amendment is germane if it:

- (a) Is related to the same subject as the original measure;

- (b) Is a natural and logical expansion of the subject matter of the original measure; and
- (c) Does not present a new, independent issue.

(6) For purposes of amendments to a constitutional proposal at its initial Commission hearing, a germane amendment may include the substance of any constitutional proposal that has been reported favorably by a committee. The substance of a constitutional proposal that has been reported unfavorably by a committee is not germane.

6.008 – Amendments to Informal Measures.

Amendments to informal measures need not be submitted to the Commission in advance of a committee or Commission meeting. Such amendments may be adopted by a majority vote.

6.0085 – Amendment Sponsors

Persons authorized to file amendments to a measure are limited to the sponsor of the measure and members of the committee hearing the measure. Amendments to measures before the Commission may be filed by any member.

6.009 – Reporting of Substantive Committee Action.

- (1) Substantive committees shall report all matters referred to them as:
 - (a) Favorably,
 - (b) Favorably with amendment(s),
 - (c) Favorably with committee substitute,
 - (d) Unfavorably
 - (e) Unfavorably with amendment(s).
- (2) The vote of each member of a substantive committee on the final passage of a measure shall be recorded. After a committee action has been reported out of a committee, it may not be recommitted to the committee except by a two-thirds (2/3) vote of the Commission.

6.010 – Calendar of Measures before the Commission.

- (1) A measure that has been reported favorably out of all committees of reference must be placed on an agenda for consideration by the full Commission.
- (2) A measure that has not been reported favorably by all committees of reference is available to be heard by the Commission. The Coordinating Committee shall recommend to the Chair of the Commission whether and/or when to place an available measure on the Commission agenda.

6.0105 – Final Hearing of Measures other than Constitutional Proposals.

This section applies to measures other than constitutional proposals. Such measures may be amended and must be approved by a majority vote of the members present and voting. After final approval by the Commission and a review by the Style and Drafting Committee, such measures shall be communicated to the Legislature at a time set by the Chair of the Commission.

6.0107 – First Hearing of Constitutional Proposals by the Commission.

A constitutional proposal at its first hearing before the Commission may be amended by a majority vote of the members present and voting. Constitutional proposals must be approved by an affirmative vote of two-thirds of the full Commission.

6.011 – Style and Drafting Committee.

(1) After a constitutional proposal has had its first hearing before the Commission and received the requisite affirmative vote by the Commission, it shall be referred to the Style and Drafting Committee.

(2) The Style and Drafting Committee shall be responsible for preparing titles and ballot summaries, conducting a full technical review of all constitutional proposals, combining constitutional proposals, and determining the order that constitutional proposals will appear on the ballot. The Style and Drafting Committee shall not make substantive changes.

(3) The Style and Drafting Committee shall report its recommendations on all constitutional proposals to the Commission.

(4) The Style and Drafting Committee shall conduct a full technical review of measures other than constitutional proposals. The Style and Drafting Committee shall not make substantive changes.

6.012 – Final Hearing of Constitutional Proposals before the Commission.

(1) All constitutional proposals that received the vote required by rule 6.0107 shall be given a final hearing before the Commission.

(2) The Commission may amend the recommendations of the Style and Drafting Committee by a majority vote of the members present and voting.

(3) The Commission may make substantive amendments to a constitutional proposal upon a two-thirds vote of the full Commission.

(4) Constitutional proposals shall be approved for filing with the Secretary of State upon an affirmative vote of two-thirds of the full Commission in accordance with Article XI, section 6 of the Florida Constitution.

6.014 – Deadline to File Constitutional Proposals with the Secretary of State.

Constitutional proposals that the Commission intends to transmit to the Secretary of State must be transmitted on or before May 4, 2008.

6.015 – Conversion Amendments Prohibited.

An informal measure may not be amended to become a formal measure- ; however, a member may submit to the Commission a formal measure that addresses the same matter as an informal measure.

6.016 – Conflict of Rules.

To the extent that any provision of rules 6.001 through 6.017 conflicts with any other Commission rule relating to the approval of measures, rules 6.001 through 6.017 shall prevail.