

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Judiciary Committee

BILL: SB 182

INTRODUCER: Senator Sobel

SUBJECT: Primary Sponsor of Legislation

DATE: April 11, 2011

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|------------------|
| 1. | Maclure | Maclure | JU | Favorable |
| 2. | _____ | _____ | RC | _____ |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

This bill provides that the names of one primary Senate sponsor and one primary House of Representatives sponsor may be included in the short title of a bill and its companion. The inclusion of this information in the short title must be agreed upon by all of the members of each house who are primary sponsors of a general bill and its companion.

II. Present Situation:

Constitutional Framework for Legislation

Article III of the Florida Constitution provides for the legislative power of the state to be vested in the Senate and the House of Representatives.¹ Among other requirements, this article provides that:

- A bill may originate in either house of the Legislature;
- A bill shall be read in each house on three separate days, unless this requirement is waived by two-thirds vote;
- Passage of a bill requires a majority vote in each house; and
- Each bill and joint resolution passed in both houses shall be signed by presiding officers of the respective houses and by the Secretary of the Senate and the Clerk of the House of Representatives.²

¹ FLA. CONST. art. III, s. 1.

² FLA. CONST. art. III, ss. 6 and 7.

Further, each house shall determine its rules of procedure.³

Introduction or Sponsorship of Legislation

Under the rules of the Senate, a bill is “approved for introduction by a Senator whose name is affixed to the original.”⁴ Further, any senator may co-introduce a bill, and his or her name shall be affixed to the original bill.⁵

The original version of a bill must be approved by the senator who is introducing the measure and backed in a folder-jacket. The name and district number of the introducer and any co-introducers are inscribed on the jacket.⁶

When companion measures are filed in the Senate and the House of Representatives, the same version of one of the bills must pass both houses in order to be enrolled and presented to the Governor. The Senate rules address the existence of companion measures as follows:

When a Senate bill is reached on the calendar of the Senate for consideration, either on second (2nd) or third (3rd) reading, and there is also pending on the calendar of the Senate a companion measure already passed by the House, it shall be in order to move that the House companion measure be substituted and considered in lieu of the Senate measure. Such motion may be adopted by a majority vote of those Senators present, provided the House measure is on the same reading; otherwise, the motion shall be to waive the Rules by a two-thirds (2/3) vote of those Senators present and read such House measure. A companion measure shall be substantially the same and identical as to specific intent and purpose as the measure for which it is being substituted. *At the moment the Senate passes the House companion measure, the original Senate measure shall be regarded as automatically tabled.* Recommitment of a Senate bill shall automatically carry with it any House companion measure then on the calendar.⁷

As a consequence, only one of the two bills will be sent to the Governor for signature. Thus, a senator may introduce a Senate bill, but the House bill may be the one ultimately enacted by the Legislature and presented to the Governor (and vice versa with respect to a representative sponsoring a House bill).

Practice in the Senate is for the names of the Senate introducer and co-introducers to appear on the top face of a publicly released Senate bill, until the bill is engrossed following adoption of amendments on the floor of the Senate or enrolled upon being passed by both houses, at which time the names are removed. Under practice in the House of Representatives, the name of the

³ FLA. CONST. art. III, s. 4(a).

⁴ Rule 3.12, *Rules and Manual of the Senate of the State of Florida, Senator Mike Haridopolos, President, 2010-2012.*

⁵ *Id.* In its comparable rules, the House of Representatives uses the terms “sponsor,” “co-sponsor,” and “sponsorship.” See, e.g., Rule 5.4, *The Rules: Florida House of Representatives 2010-2012, Dean Cannon, Speaker.*

⁶ Rule 3.1(2), *Rules and Manual of the Senate of the State of Florida, Senator Mike Haridopolos, President, 2010-2012.*

⁷ Rule 3.11, *Rules and Manual of the Senate of the State of Florida, Senator Mike Haridopolos, President, 2010-2012* (emphasis added). The House of Representatives has similar rules governing sponsorship of legislation and governing substitution of a companion measure on the floor of the House. See Rules 5.4 and 5.14, *The Rules: Florida House of Representatives 2010-2012, Dean Cannon, Speaker.*

House sponsor does not appear on the face of the publicly released House bill. Thus, an enrolled version of a bill from either house does not include the names of any legislators on the face of the bill.

Dissemination of Information on Legislation

The Legislature's Division of Legislative Information Services creates, maintains, and distributes accurate and timely information on the status of legislation and on lobbyist registrations to legislators, staff, public agencies, and the public. Functions of the division include, but are not limited to:

- Determining companion status of bills;
- Composing short titles;
- Processing bill actions;
- Creating a subject index;
- Processing introducers/sponsors;
- Producing and publishing a legislative bill information book;
- Publishing and distributing reports;
- Providing access the Bill Information System; and
- Responding to requests for information.⁸

The term "short title" refers to a brief description, prepared by the division, of what the bill does. The short title may be a condensed version of the full title for the bill. A short title typically is used in a variety of legislative information resources on bills, including, for example, the websites and calendars for the two houses. Currently, the short title itself does not identify the introducer or co-introducers for that particular Senate or House bill. However, other fields of information maintained by the division or automatically populated into the two houses' technology systems do identify the introducer for the bill. In addition, information maintained by the division also includes identification of companion measures for a given Senate or House bill and the introducers of those companion measures.⁹

In addition to other legislative resources, the websites of the respective houses, in turn, disseminate this information to the public. For example, the websites for both houses identify, among other relevant information, the following details for each:

- The bill type (e.g., general bill);
- The introducer/sponsor;
- The bill subject or topic (e.g., "neglience");
- The short title; and
- Effective date information.

Further, upon identifying a given Senate or House bill, a person can use the websites to identify any related bills, whether filed in the same house or the other house, as well as the introducers

⁸ Florida Legislature, Office of Legislative Services, *Division of Legislative Information Services*, <http://intranet/ols/index.cfm?p=lis&a=lisadd> (last visited April 11, 2011).

⁹ Conversation with staff of the Division of Legislative Information Services, April 11, 2011.

and co-introducers of the related bills. Because sponsorship is unique to each chamber, a member of the public searching for information, for example, on a House bill that becomes law, without separately researching the Senate companion bill, would see solely the names of the House sponsors (and vice versa for a person searching a Senate bill that becomes law).¹⁰

Joint or Cross-Sponsorship of Legislation

As described by the National Conference of State Legislatures (NCSL), “[j]oint or cross-sponsorship occurs when a bill has authors or co-authors from both chambers.”¹¹ Among the advantages to the practice, as noted by NCSL, are:

- Allowing senators and representatives who have overlapping districts to jointly sponsor bills that affect their shared constituencies;
- Allowing members of both chambers to share the spotlight on key bills, thereby reducing the incentive to “pirate” from other members; and
- Reducing the number of duplicate bills, saving legislative time, staff time, and printing and administrative costs.¹²

Among the disadvantages are:

- Necessitating additional work and complications if the houses of the legislature have separate computerized bill tracking systems;
- Creating the potential for disputes over who is listed as the primary sponsor or who gets the most credit for the bill; and
- Allowing for only one opportunity for the passage of a measure.¹³

III. Effect of Proposed Changes:

This bill provides that the names of one primary Senate sponsor and one primary House of Representatives sponsor may be included in the short title of a bill and its companion. The inclusion of this information in the short title must be agreed upon by all of the members of each house who are the primary sponsors of a general bill and its companion.

The bill appears to contemplate that once a companion is identified for a given Senate or House bill, the sponsor of the companion measure could be listed in the short title of the given bill, even though he or she is not a member of that house of the Legislature. The bill does not specify at what point in the process the listing could occur (e.g., when the bills are filed, upon final passage by both houses, etc.). If the listing is to occur when the two measures are first filed, it is not

¹⁰ The history report of a bill enacted by the Legislature (as published on the respective houses’ websites and in the legislative bill information book published by the Division of Legislative Information Services) does provide the number of the companion measure. In addition, the respective journals of the two houses, for the day the substitution of a companion measure occurs, would also identify the companion measure. However, a person typically must research the companion measure separately to determine the introducers or sponsors of the companion measure.

¹¹ National Conference of State Legislatures, *Joint or Cross-Sponsorship of Bills* (undated) (on file with the Senate Committee on Judiciary).

¹² *Id.*

¹³ *Id.*

immediately clear if the sponsor of the Senate bill, for example, would be able to request that his or her name be removed from the short title of House bill should the content of the two bills begin to diverge as the measures move through the legislative process.

The bill provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may result in costs to the Legislature to reprogram bill-related computer systems to include additional information in the short title for a bill and, to the extent necessary, track that information and any changes to it. In addition, the houses of the Legislature may incur costs to develop forms or mechanisms for securing the approval from the affected legislators, as contemplated by the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
