# Journal of the Senate

**Number 1—Special Session A** **Monday, December 12, 2022**

**At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, and subsequently amended, at the Capitol, in the City of Tallahassee, on Monday, December 12, 2022, in the State of Florida.**

## CONTENTS



## CALL TO ORDER

The Senate was called to order by President Passidomo at 10:30 a.m. A quorum present—38:

| | | |
|---|---|---|
| Madam President | DiCeglie | Pizzo |
| Albritton | Garcia | Polsky |
| Avila | Grall | Powell |
| Berman | Gruters | Rodriguez |
| Book | Harrell | Rouson |
| Boyd | Hooper | Simon |
| Bradley | Hutson | Stewart |
| Broxson | Ingoglia | Thompson |
| Burgess | Jones | Torres |
| Burton | Martin | Trumbull |
| Calatayud | Mayfield | Wright |
| Collins | Osgood | Yarborough |
| Davis | Perry | |

Excused: Senators Baxley and Brodeur

## PRAYER

The following prayer was offered by Senator Jones:

Dear God, thank you for this day. We thank you for this opportunity. O God, there are different people represented in this room and watching today. Some are Christian, some are Jewish, some are Muslim, some are Buddhist, and some believe in just being good and doing good. Whatever religion is represented today under the sound of my voice, I ask that this prayer touch the hearts of all represented. We thank you for life; we thank you for health; and we thank you for strength.

Lord, we don't take it for granted that we are here. We call it an honor and a privilege, so allow us not to take advantage and misuse this honor to lead your people. I pray for every family represented here today—every spouse, every child, every grandchild. Lord, everyone in this room is dealing with something personally and no, we may not know, but we know you do. So I ask that you touch every private battle, give peace, give clarity, allow minds to rest because you have it all in your hands, and we must trust that you will take care of it. I ask that you guide our minds that we may think clearly and strategically—not what's best for ourselves but what's best for the people we serve. I ask that you guide our ears that we may listen more than we speak. I ask that you touch our hands that they will be used to build up and not tear down. I ask that you touch our hearts that we may open them up to be compassionate and sensitive to others. Lastly, I pray for the leaders of this state. I pray for Governor DeSantis, President Passidomo, Speaker Renner, and Leader Book. That you would give them wisdom and clarity. Now, as we open this special session and prepare for the weeks ahead, give us strength for the journey. For the Word tells us in Galatians 6:9 to not get weary in doing good, for in due seasons we will reap our harvest and blessing as long as we don't give up. Allow us not to grow weary. Allow us to stand firm and strong. These things and many other things we ask in your name. Amen.

## PLEDGE

Senator Wright led the Senate in the Pledge of Allegiance to the flag of the United States of America.

By direction of the President, the Secretary read the following proclamation:

**THE FLORIDA LEGISLATURE**
**JOINT PROCLAMATION**

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE FLORIDA HOUSE OF REPRESENTATIVES:

We, Kathleen Passidomo, President of the Florida Senate, and Paul Renner, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

Section 1. That the Legislature of the State of Florida is convened in Special Session pursuant to Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida, beginning at 10 a.m. on Monday, December 12, 2022, for a period of 5 days, ending at 11:59 p.m. on Friday, December 16, 2022.

Section 2. That the Legislature is convened for the sole and exclusive purpose of considering legislation to:

A. Reduce the cost of litigation regarding property insurance claims.

B. Foster the availability of reinsurance for property insurance.

C. Improve claims handling practices in property insurance.

D. Modify deadlines for notices of property insurance losses and limit the assignment of benefits under property insurance policies.

E. Prescribe property insurance requirements regarding alternative dispute processes, coverage options, and agent practices.

F. Increase oversight of property insurance market participants.

G. Improve the financial stability of the Citizens Property Insurance Corporation, reduce the potential for assessments related to the Citizens Property Insurance Corporation, and foster the transition of Citizens Property Insurance Corporation policies to the private property insurance market.

H. Provide tax relief and other financial assistance related to damages resulting from Hurricanes Ian and Nicole.

I. Provide additional mechanisms to support the Division of Emergency Management for natural disaster response, recovery, and relief efforts.

J. Establish a statewide toll credit program for frequent Florida commuters.

K. Provide appropriations to implement such legislation.

Section 3. That the committees and subcommittees of either house of the Legislature are authorized to consider legislation within the purview of this proclamation from this date forward.

*Kathleen Passidomo*
President
The Florida Senate
December 6, 2022

*Paul Renner*
Speaker
The Florida House
of Representatives
December 6, 2022

Duly filed with and received by the Florida Department of State in Tallahassee this 6th day of December, 2022.

*Cord Byrd*
Secretary of State

## INTRODUCTION AND REFERENCE OF BILLS INSIDE THE CALL

### FIRST READING

By Senator Boyd—

**SB 2-A**—A bill to be entitled An act relating to property insurance; creating s. 215.5552, F.S.; creating the Florida Optional Reinsurance Assistance program (FORA), to be administered by the State Board of Administration; defining terms; authorizing eligible insurers to purchase reinsurance coverage under FORA; requiring the board to provide specified coverage layers; specifying coverage limits for each option; specifying requirements for reimbursement contracts between the board and FORA insurers; specifying the calculation of payout multiples and layer retentions; authorizing the board to inspect, examine, and verify certain records; specifying the calculation of premiums and requirements for the payment of premiums; providing construction relating to the claims-paying capacity of the Florida Hurricane Catastrophe Fund; specifying requirements and procedures if a FORA insurer becomes insolvent; providing construction relating to violations; authorizing the board to take legal actions and adopt rules, including emergency rules; providing legislative findings; specifying requirements and procedures for the appropriation of funds from the General Revenue Fund to provide reimbursements; requiring the board to submit annual reports to the Governor and the Legislature; providing for contingent expiration; amending s. 624.1551, F.S.; revising conditions that must be met for a claim for extracontractual damages in a civil remedy action against a property insurer; providing construction; amending s. 624.3161, F.S.; providing that property insurers may be subject to an additional market conduct examination by the Office of Insurance Regulation after a hurricane under certain circumstances; providing requirements for such examination; amending s. 624.418, F.S.; adding specified grounds on which the office may suspend or revoke a property insurer's certificate of authority; amending s. 624.424, F.S.; adding information required to be reported by property insurers in their quarterly supplemental reports; amending s. 626.9373, F.S.; deleting a right to attorney fees for judgments or decrees against surplus lines insurers in suits arising under residential or commercial property insurance policies; amending s. 626.9541, F.S.; revising conditions for a certain unfair claim settlement practice by a property insurer; amending s. 627.351, F.S.; authorizing Citizens Property Insurance Corporation, if certain conditions are met, to consolidate its three separate accounts into a single Citizens account for all revenues, assets, liabilities, losses, and expenses of the corporation; specifying the corporation's authority, and requirements for and prohibited acts by the corporation, under the Citizens account; providing applicability; specifying requirements and procedures with respect to a deficit in the Citizens account; defining terms; providing requirements for the Florida Surplus Lines Service Office; revising requirements for the corporation's plan of operation; revising eligibility requirements for renewing coverage with the corporation for personal lines residential and commercial lines residential risks; providing construction; providing requirements relating to certain excess premium and investment income in the Citizens account; authorizing specified insurers to petition the office to qualify as limited apportionment companies; providing requirements for such companies; specifying disclosure requirements to applicants for coverage from the corporation if the Citizens account is established; providing that, for certain purposes, the corporation's rates for coverage may not be competitive with approved rates charged in the admitted voluntary market; requiring the office to provide certain information to the corporation; specifying annual rate increase limits for personal lines policies written on or after a specified date which do not cover a primary residence; defining the term "primary residence"; requiring the corporation to require the securing and maintenance of flood insurance as a condition of personal lines residential coverage; specifying requirements for such flood insurance coverage; specifying deadlines by which policyholders must secure and maintain flood insurance; revising eligibility requirements for coverage with the corporation when take-out offers are received by policyholders; specifying a burden of proof for corporation policyholders making claims for water damage; making technical changes; conforming provisions to changes made by the act; amending s. 627.3511, F.S.; conforming cross-references; amending s. 627.3518, F.S.; deleting a provision construing the eligibility for coverage with the corporation for certain applicants; conforming a provision to changes made by the act; amending s. 627.410, F.S.; requiring the office to reexamine certain policy forms of a property insurer under certain circumstances; specifying actions the office may take; amending s. 627.428, F.S.; deleting a right to attorney fees for judgments or decrees against insurers in suits arising under residential or commercial property insurance policies; amending s. 627.7011, F.S.; revising disclosure requirements relating to flood insurance for insurers issuing homeowners' policies; amending s. 627.70131, F.S.; revising requirements for insurers relating to acknowledging communications regarding claims, investigating claims, sending estimates of losses to policyholders, recordkeeping, and paying or denying claims; authorizing insurers to use specified methods in investigating losses; authorizing insurers to void insurance policies under certain circumstances; defining the term "factors beyond the control of the insurer"; specifying circumstances under which certain requirements are tolled; providing construction; amending s. 627.70132, F.S.; revising timeframes under which notices of claims, reopened claims, and supplemental claims under property insurance policies must be given to insurers or be barred; amending s. 627.70152, F.S.; revising applicability; deleting the definition of the term "amount obtained"; providing that certain prelitigation notices and documentation are not admissible as evidence in any proceeding; deleting provisions relating to the calculation of attorney fees; creating s. 627.70154, F.S.; specifying conditions that must be met for a property insurance policy to require mandatory binding arbitration; amending s. 627.7074, F.S.; deleting the right to attorney fees payable by insurers in the alternative procedure for resolution of disputed sinkhole insurance claims; conforming a provision to changes made by the act; amending s. 627.7142, F.S.; conforming provisions to changes made by the act; amending s. 627.7152, F.S.; prohibiting policyholders from assigning post-loss insurance benefits under residential or commercial property insurance policies issued on or after a specified date; providing construction; amending s. 627.7154, F.S.; revising duties of the office's Property Insurer Stability Unit; amending s. 631.252, F.S.; providing that a coverage continuation period for policies of an

insolvent property insurer may be extended by the office under specified circumstances; amending s. 768.79, F.S.; authorizing a property insurer in a breach of contract action to make a joint offer of judgment or settlement that is conditioned on the mutual acceptance of all joint offerees; providing an appropriation; providing effective dates.

—was referred to the Committees on Banking and Insurance; and Fiscal Policy.

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By Senator Hutson—

**SB 4-A**—A bill to be entitled An act relating to disaster relief; amending s. 161.101, F.S.; authorizing the Department of Environmental Protection to waive or reduce match requirements for certain local governments; amending s. 194.032, F.S.; conforming provisions to changes made by the act; creating s. 197.3181, F.S.; providing definitions; authorizing the refund of ad valorem taxes for residential improvements rendered uninhabitable by certain hurricanes; providing procedures and requirements to receive a refund; requiring property appraisers and tax collectors to take certain actions; providing construction; providing retroactive applicability; providing for expiration; creating s. 197.3182, F.S.; providing for the extension and suspension of payments and discounts of certain taxes and assessments; providing for retroactive operation; providing for expiration; amending s. 252.37, F.S.; providing legislative intent; requiring the Division of Emergency Management and local governments to enter into certain agreements to receive specified funds; providing requirements for such agreements; providing for availability of funds; requiring the division to report progress on a certain timetable to specified parties; providing for expiration; creating s. 252.71, F.S.; providing definitions; providing for the organization and operation of the Florida Emergency Management Assistance Foundation within the division; providing for a board of directors; requiring the foundation to operate under a written contract with the division; specifying requirements for such contract; providing requirements for the governance, organization, and operations of the foundation; providing for the use of property, facilities, and personal services of the division by the foundation; requiring the submission of annual budgets and reports; requiring an annual audit; providing for future repeal; authorizing the Department of Revenue to adopt emergency rules; providing for the expiration of such authority; providing appropriations; requiring such appropriations to be spent in specified ways; requiring the Florida Housing Finance Corporation to coordinate with the division and the Department of Economic Opportunity for a specified purpose; creating the Hurricane Restoration Reimbursement Grant Program within the Department of Environmental Protection; providing purpose and eligibility requirements for such program; authorizing emergency rulemaking for the administration of such program; requiring the department to administer such program; providing requirements for such administration; providing for the expiration of such program; specifying that grants may only be used for reimbursement of specified costs; requiring cost-sharing; creating the Hurricane Stormwater and Wastewater Assistance Grant Program within the Department of Environmental Protection; providing purpose and eligibility requirements for such program; authorizing emergency rulemaking for the administration of such program; requiring the department to administer such program; providing requirements for such administration; providing for the expiration of such program; providing appropriations; requiring such appropriations be spent in a specified way; providing an effective date.

—was referred to the Committees on Community Affairs; and Fiscal Policy.

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By Senator DiCeglie—

**SB 6-A**—A bill to be entitled An act relating to toll relief; requiring the Florida Turnpike Enterprise to establish a toll relief program for a specified timeframe; defining terms; specifying the requirements for eligibility for account credits under the program; appropriating funds for the Department of Transportation to reimburse the department, the Florida Turnpike Enterprise, and other Florida toll facilities and Florida toll facility entities for account credits issued under the program; requiring the department to ensure compliance with certain covenants; prohibiting the department from using appropriated funds for specified purposes; authorizing the department to reimburse each Florida toll facility or Florida toll facility entity for the actual account credits issued, based on specified reports; requiring each Florida toll facility or Florida toll facility entity to submit certain documentation for reimbursement; providing for the reversion of unexpended funds; requiring the department to submit quarterly reports documenting specified reimbursements to the Governor and specified legislative entities; specifying the documentation to be submitted with the department's report; requiring the department to reconcile disbursements and transfers, to transfer interest earned to the General Revenue Fund, and to provide a quarterly report regarding reconciliation to the Governor and specified legislative entities; providing for expiration; providing an effective date.

—was referred to the Committee on Fiscal Policy.

## REPORTS OF COMMITTEES

The Committee on Banking and Insurance recommends the following pass: SB 2-A

The Committee on Community Affairs recommends the following pass: SB 4-A

**The bills contained in the foregoing reports were referred to the Committee on Fiscal Policy under the original reference.**

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The Committee on Fiscal Policy recommends the following pass: SB 2-A; SB 4-A; SB 6-A

**The bills were placed on the Calendar.**

## MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

### VETOED BILLS 2022 REGULAR SESSION

Secretary Laurel Lee March 29, 2022
Secretary of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Dear Secretary Lee:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8 of the Constitution of Florida, I do hereby veto and transmit my objection to CS/SB 102, enacted during the 124th Session of the Legislature of Florida, during Regular Session 2022 and entitled:

An act relating to Establishing the Congressional Districts of the State

As presented in both the primary and secondary maps enacted by the Legislature, Congressional District 5 violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution for the reasons set forth in the attached memorandum. Although I understand the Legislature's desire to comply with the Florida Constitution, the Legislature is not absolved of its duty to comply with the U.S. Constitution. Where the U.S. and Florida Constitutions conflict, the U.S. Constitution must prevail.

Accordingly, I withhold my approval of CS/SB 102 and do hereby veto the same.

Sincerely,

*Ron DeSantis*
Governor

**The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.**

MEMORANDUM

To: Ron DeSantis, Governor of Florida
From: Ryan Newman, General Counsel, Executive Office of the Governor
Date: March 29, 2022
Re: Constitutionality of CS/SB 102, An Act Relating to Establishing the Congressional Districts of the State

Congressional District 5 in both the primary and secondary maps enacted by the Legislature violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution because it assigns voters primarily on the basis of race but is not narrowly tailored to achieve a compelling state interest.

"Just as the State may not, absent extraordinary justification, segregate citizens on the basis of race in its public parks, buses, golf courses, beaches, and schools," the U.S. Supreme Court has made clear that the State also "may not separate its citizens into different voting districts on the basis of race." *Miller v. Johnson,* 515 U.S. 900, 911 (1995) (internal citations omitted). "When the State assigns voters on the basis of race," the Court explained, "it engages in the offensive and demeaning assumption that voters of a particular race, because of their race, 'think alike, share the same political interests, and will prefer the same candidates at the polls.'" *Id.* at 911-12 (quoting *Shaw v. Reno,* 509 U.S. 630, 647 (1993)).

For these reasons, the Court has interpreted the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution to prohibit state legislatures from using race as the "predominant factor motivating [their] decision to place a significant number of voters within or without a particular district," *id.* at 916, unless they can prove that their "race-based sorting of voters serves a 'compelling interest' and is 'narrowly tailored' to that end," *Cooper v. Harris,* 137 S. Ct. 1455, 1464 (2017) (citation omitted). That race was the predominant factor motivating a legislature's line-drawing decision can be shown "either through circumstantial evidence of a district's shape and demographics or more direct evidence going to legislative purpose." *Miller,* 515 U.S. at 916.

Although non-adherence to traditional districting principles, which results in a non-compact, unusually shaped district, is relevant evidence that race was the predominant motivation of a legislature, such evidence is not required to establish a constitutional violation. "Race may predominate even when a reapportionment plan respects traditional principles, if '[r]ace was the criterion that, in the State's view, could not be compromised,' and race-neutral considerations 'came into play only after the race-based decision had been made.'" *Bethune-Hill v. Va. State Bd. of Elections,* 137 S. Ct. 788, 798 (2017) (quoting *Shaw v. Hunt,* 517 U.S. 899, 907 (1996) (alteration in original)). "The racial predominance inquiry concerns the actual considerations that provided the essential basis for the lines drawn, not *post hoc* justifications the legislature in theory could have used but in reality did not." *Id.* at 799. A legislature "could construct a plethora of potential maps that look consistent with traditional, race-neutral principles," but "if race for its own sake is the overriding reason for choosing one map over others, race still may predominate." *Id.* It is the "racial purpose of state action, not its stark manifestation," that offends the Equal Protection Clause. *Miller,* 515 U.S. at 913.

In light of these well-established constitutional principles, the congressional redistricting bill enacted by the Legislature violates the U.S. Constitution. The bill contains a primary map and secondary map that include a racially gerrymandered district—Congressional District 5—that is not narrowly tailored to achieve a compelling state interest. *See generally* Fla. H.R. Comm. on Redist., recording of proceedings, at 0:00-2:55:19 (Feb. 25, 2022), https://thefloridachannel.org/videos/2-25-22-house-redistricting-committee/ (committee presentation and discussion of the maps later passed by the Legislature).

In the secondary map, which was the original map reported out of the House Congressional Redistricting Subcommittee, District 5 is a sprawling district that stretches approximately 200 miles from East to West and cuts across eight counties to connect a minority population in Jacksonville with a separate and distinct minority population in Leon and Gadsden Counties. The district is not compact, does not conform to usual political or geographic boundaries, and is bizarrely shaped to include minority populations in western Leon County and Gadsden County while excluding non-minority populations in eastern Leon County. Because this version of District 5 plainly subordinates traditional districting criteria to avoid diminishment of minority voting age population, there is no question that race was "the predominant factor motivating the legislature's decision" to draw this district. *Miller,* 515 U.S. at 916.

**District 5 in the Secondary Map**

In response to federal constitutional concerns about the unusual shape of District 5 as it was originally drawn, and which is now reflected in the secondary map, the House Redistricting Committee drew a new version of District 5, which is reflected in the primary map. This configuration of the district is more compact but has caused the adjacent district—District 4—to take on a bizarre doughnut shape that almost completely surrounds District 5. The reason for this unusual configuration is the Legislature's desire to maximize the black voting age population in District 5. The Chair of the House Redistricting Committee confirmed this motivation when he explained that the new District 5 was drawn to "protect[] a black minority seat in north Florida." Fla. H.R. Comm. on Redist., recording of proceedings, at 19:15-19:26 (Feb. 25, 2022).

**District 5 in the Primary Map**

Despite the Legislature's attempt to address the federal constitutional concerns by drawing a more compact district, the constitutional defect nevertheless persists. Where "race was the criterion that, in the State's view, could not be compromised, and race-neutral considerations came into play only after the race-based decision had been made," it follows that race was the predominant factor, even though the district otherwise respects traditional districting principles. *Bethune-Hill,* 137 S. Ct. at 798 (cleaned up).

Such was the case here. Even for the more compact district, the Legislature believed (albeit incorrectly) that the Florida Constitution required it to ensure "a black minority seat in north Florida." Fla. H.R. Comm. on Redist., recording of proceedings, at 19:15-19:26 (Feb. 25, 2022). Specifically, according to the House Redistricting Chair, the primary map's version of District 5 is the House's "attempt at continuing to protect the minority group's ability to elect a candidate of their choice." *Id.* at 19:45-19:54. The Legislature thus used "an express racial target" for District 5 of a black voting age population sufficiently large to elect a candidate of its choice. *Bethune-Hill,* 137 S. Ct. at 800.

Because racial considerations predominated even in drawing the new District 5, the Legislature must satisfy strict scrutiny, the U.S. Supreme Court's "most rigorous and exacting standard of constitutional review." *Miller,* 515 U.S. at 920. And to satisfy strict scrutiny, the Legislature "must demonstrate that its districting legislation is nar-

rowly tailored to achieve a compelling interest." *Id.* That, the Legislature cannot do.

There is no good reason to believe that District 5 needed to be drawn as a minority-performing district to comply with Section 2 of the Voting Rights Act (VRA), because the relevant minority group is not sufficiently large to constitute a majority in a geographically compact area. In the primary map, the black voting age population of District 5 is 35.32%, and even in the secondary map, with the racially gerrymandered, non-compact version of District 5, the black voting age population increases only to 43.48%. *Compare* Fla. Redist. 2022, H000C8019, https://bit.ly/3uczOXb (available at floridaredistricting.gov/pages/submitted-plans) (last visited Mar. 28, 2022), *with* Fla. Redist. 2022, H000C8015, https://bit.ly/36hFRBB (available at floridaredistricting.gov/pages/submitted-plans) (last visited Mar. 28, 2022). "When a minority group is not sufficiently large to make up a majority in a reasonably shaped district, § 2 simply does not apply." *Cooper,* 137 S. Ct. at 1472 (citing *Bartlett v. Strickland,* 556 U.S. 1, 18-20 (2009) (plurality opinion)); *see also Thornburg v. Gingles,* 478 U.S. 30, 50 (1986) (explaining that one of the threshold conditions for proving vote dilution under Section 2 is that the minority group is "sufficiently large and geographically compact to constitute a majority").

Nor is there good reason to believe that District 5 is required to be drawn to comply with Section 5 of the VRA. Section 5 is no longer operative now that the U.S. Supreme Court invalidated the VRA's formula for determining which jurisdictions are subject to Section 5. *See Shelby Cnty. v. Holder,* 570 U.S. 529, 553-57 (2013); *see also Ala. Legis. Black Caucus v. Alabama,* 575 U.S. 254, 279 (2015) (suggesting that continued compliance with Section 5 may not remain a compelling interest in light of *Shelby County).* In any event, even before the coverage formula was invalidated, the State of Florida was not a covered jurisdiction subject to Section 5. *See In re Senate Joint Resolution of Legislative Apportionment 1176 (Apportionment I)*, 83 So. 3d 597, 624 (Fla. 2012). Only five counties in Florida were covered—Collier, Hardee, Hendry, Hillsborough, and Monroe—and none of them are in northern Florida where District 5 is located. *See id.*

The only justification left for drawing a race-based district is compliance with Article III, Section 20(a) of the Florida Constitution. But District 5 does not comply with this provision. Article III, Section 20(a) provides that "districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice." The Florida Supreme Court has noted that these "dual constitutional imperatives follow almost verbatim the requirements embodied in the Federal Voting Rights Act." *Id.* at 619 (cleaned up). The first imperative, which prohibits districts that deny or abridge the equal opportunity of minority groups to participate in the political process, is modeled after Section 2 of the VRA, and the second imperative, which prohibits districts that diminish the ability of minority groups to elect representatives of their choice, is modeled after Section 5. *Id.* at 619-20.

Like the VRA, these provisions of the Florida Constitution "aim[] at safeguarding the voting strength of minority groups against both impermissible dilution and retrogression." *Id.* at 620. Although judicial interpretation of the VRA is relevant to understanding the Florida Constitution's non-dilution and non-diminishment provisions, the Florida Supreme Court nonetheless recognizes its "independent constitutional obligation" to interpret these provisions. *Id.* at 621.

Relevant here is the Florida Constitution's non-diminishment requirement. Unlike Section 5 of the VRA, this requirement "applies to the entire state." *Id.* at 620. Under this standard, the Legislature "cannot eliminate majority-minority districts or weaken other historically performing minority districts where doing so would actually diminish a minority group's ability to elect its preferred candidates." *Id.* at 625. The existing districts "serve[] as the 'benchmark' against which the 'effect' of voting changes is measured." *Id.* at 624 (cleaned up). Where a voting change leaves a minority group "less able to elect a preferred candidate of choice" than the benchmark, that change violates the non-diminishment standard. *Id.* at 625 (internal quotation marks omitted); *see also id.* at 702 (Canady, C.J., concurring in part and dissenting in part) (noting that the dictionary definition of "diminish" means "to make less or cause to appear less" (citation omitted)).

The Florida Supreme Court has acknowledged that "a slight change in percentage of the minority group's population in a given district does not necessarily have a cognizable effect on a minority group's ability to elect its preferred candidate of choice." *Id.* at 625. The minority population percentage in each district need not be "fixed" in perpetuity. *Id.* at 627. But where the reduction in minority population in a given district is more than "slight," such that the ability of the minority population to elect a candidate of choice has been reduced (even if not eliminated), the Legislature has violated the Florida Constitution's non-diminishment requirement as interpreted by the Florida Supreme Court.

Given these principles, there is no good reason to believe that District 5, as presented in the primary map, complies with the Florida Constitution's non-diminishment requirement. The benchmark district contains a black voting age population of 46.20%, whereas the black voting age population of District 5 in the primary map is only 35.32%.[1] *Compare* Fla. Redist. 2022, FLCD2016, https://bit.ly/3Iv6FeW (available at floridaredistricting.gov/pages/submitted-plans) (last visited Mar. 28, 2022), *with* Fla. Redist. 2022, H000C8019, https://bit.ly/3uczOXb (available at floridaredistricting.gov/pages/submitted-plans) (last visited Mar. 28, 2022). This nearly eleven percentage point drop is more than slight, and while the House Redistricting Chair represented that the black population of the district could still elect a candidate of choice, *see* Fla. H.R. Comm. on Redist., recording of proceedings, at 59:44-1:00:17 (Feb. 25, 2022), there appears to be little dispute that the ability of the black population to elect such a candidate had nevertheless been reduced, *see id.* at 1:00:18-1:00:58 (noting that the benchmark district performed for the minority candidate of choice in 14 of 14 previous elections and that the new district would not perform for the minority candidate of choice in one-third of the same elections).

Moreover, the House Redistricting Chair claimed that the only criterion that mattered was whether the new district still performed at all. *See id.* at 1:06:09-1:06:30 ("It is not a diminishment unless the district does not perform."); *see also id.* at 1:05:05-1:05:13 ("Is it less likely to perform? Honestly, I don't know."). But that view is plainly inconsistent with the Florida Supreme Court precedent described above, which prohibits any voting change that leaves a minority group "less able to elect a preferred candidate of choice." *Apportionment I,* 83 So. 3d at 625 (internal quotation marks omitted). In sum, because the reduction of black voting age population is more than slight and because such reduction appears to have diminished the ability of black voters to elect a candidate of their choice, District 5 does not comply with the non-diminishment requirement of Article III, Section 20(a) of the Florida Constitution. Therefore, compliance with the Florida Constitution cannot supply the compelling reason to justify the Legislature's use of race in drawing District 5 in the primary map.

In the secondary map, by contrast, District 5 complies with the Florida Constitution's non-diminishment requirement, but in doing so, it violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. The U.S. Supreme Court has warned that a "reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another but the color of their skin, bears an uncomfortable resemblance to political apartheid." *Shaw,* 509 U.S. at 647. As described earlier, District 5 in the secondary map does precisely this.

That the district is believed to be necessary to comply with the Florida Constitution's non-diminishment requirement does not alone suffice to justify the use of race in drawing bizarre, non-compact district boundaries for the sole purpose of cobbling together disparate minority populations from across northern Florida to form a minority-performing district. Mere compliance with a state constitutional requirement to engage in race-based districting is not, without more, a compelling interest sufficient to satisfy strict scrutiny. The Fourteenth and Fifteenth Amendments to the U.S. Constitution and the VRA, which enforces the Fifteenth Amendment, exist to *prevent* states from engaging in racially discriminatory electoral practices. Indeed, one such weapon that states long used, and that the VRA was designed to combat, "was the racial gerrymander—the deliberate and arbitrary distortion of district boundaries for racial purposes." *Id.* at 640 (cleaned up).

Here, the Florida Constitution's non-diminishment standard would be satisfied only by a sprawling, non-compact district that spans 200 miles and repeatedly violates traditional political boundaries to join minority communities from disparate geographic areas. Such a district

is not narrowly tailored to achieve the compelling interest of protecting the voting rights of a minority community in a reasonably cohesive geographic area. As applied to District 5 in the secondary map, therefore, the Florida Constitution's non-diminishment standard cannot survive strict scrutiny and clearly violates the U.S. Constitution.

For the foregoing reasons, Congressional District 5 in both maps is unlawful.

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[1] The benchmark district itself is a sprawling, non-compact racial gerrymander that connects minority communities from two distinct regions of the State; however, for purposes of this point, I assume that the district can be used as a valid benchmark against which to judge the new maps.

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Secretary Cord Byrd June 24, 2022
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby veto and transmit my objection to Senate Bill 406 (SB 406), enacted during the 124th Session of the Legislature of Florida, during the Regular Session of 2022 and entitled:

An act relating to Secured Transactions

If SB 406 were to become law and be given retroactive effect as the Legislature intends, it would unconstitutionally impair certain vested rights and contracts. See art. I,§§ 9, 10, Fla. Const. While the prospective policy reforms are sound this does not cure the legal infirmities of the legislation.

For this reason, I withhold my approval of Senate Bill 406 and do hereby veto the same.

Sincerely,

*Ron DeSantis*
Governor

**The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.**

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Secretary Cord Byrd June 24, 2022
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby veto and transmit my objections to Committee Substitute for Senate Bill 620 (CS/SB 620), enacted during the 124nd Session of the Legislature of Florida, during the Regular Session of 2022 and entitled:

An act relating to the Local Business Protection Act

CS/SB 620 authorizes private, for-profit businesses to claim damages from a county or municipality if the county or municipality enacts or amends certain non-exempt ordinances or charter provisions that have the effect of reducing profits beyond the designated threshold.

Local governments do overstep their authority and unreasonably burden businesses through policies that range from the merely misguided to the politically motivated. Indeed, this was illustrated by the bizarre and draconian measures adopted by some local governments during COVID-19, necessitating the state to overrule these edicts to protect freedom and opportunity for Floridians. Incredibly, this bill exempts compensating businesses due to "emergency" orders of local government. However, the broad and ambiguous language of the bill will lead to both unintended and unforeseen consequences and costly litigation.

Because of this, the better approach is to enact targeted preemption legislation when local governments act in a way that frustrates state policy and/ or undermines the rights of Floridians.

For the reasons stated above, I withhold my approval of CS/SB 620 and do hereby veto the same.

Sincerely,

*Ron DeSantis*
Governor

**The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.**

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Secretary Cord Byrd June 24, 2022
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article Ill, Section 8, of the Constitution of Florida, I do hereby veto and transmit my objection to Committee Substitute Senate Bill 1260 (CS/SB 1260), enacted during the 124th Session of the Legislature of Florida, during the Regular Session of 2022 and entitled:

An act relating to Independent Hospital Districts

As Governor, I have approved local legislation for independent hospital districts. CS/SB 1260 intends to solve a priority of one independent hospital district through broad statewide policy changes, rather than through the local bill process. Florida's public hospitals serve our medically indigent population and support the state share of the low-income pool. Under these circumstances, each policy change to the governance structure of our independent hospital districts should be reviewed on a district-by-district basis.

For this reason, I withhold my approval of CS/SB 1260 and do hereby veto the same.

Sincerely,

*Ron DeSantis*
Governor

**The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.**

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Secretary Cord Byrd June 24, 2022
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby veto and transmit my objection to Committee Substitute for Committee Substitute for Senate Bill 1382 (CS/CS/SB 1382), enacted during the 124th Session of the Legislature of Florida, during the Regular Session of 2022 and entitled:

An act relating to Tax Administration

I appreciate the Department of Revenue and their efforts to protect the rights of taxpayers, and I understand the problem this bill seeks to address. Some of the provisions within the bill are already authorized in law, and I fully expect the Department to faithfully enforce those laws against anyone who would violate our tax code.

However, I have concerns that this bill may subject small businesses to additional administrative processes that could prove challenging in a year where the Biden Administration's policies have led to record inflation and economic turmoil.

For this reason, I withhold my approval CS/CS/SB 1382 and do hereby veto the same.

Sincerely,

*Ron DeSantis*
Governor

**The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.**

---

Secretary Cord Byrd June 24, 2022
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby veto and transmit my objection to Committee Substitute for Committee Substitute for Senate Bill 1796 (CS/CS/SB 1796), enacted during the 124th Session of the Legislature of Florida, during the Regular Session of 2022 and entitled:

An act relating to Dissolution of Marriage

If CS/CS/SB 1796 were to become law and be given retroactive effect as the Legislature intends, it would unconstitutionally impair vested rights under certain preexisting marital settlement agreements. See art. I, § 10, Fla. Const.

For this reason, I withhold my approval of CS/CS/SB 1796 and do hereby veto the same.

Sincerely,

*Ron DeSantis*
Governor

**The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.**

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Secretary Cord Byrd June 8, 2022
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby veto and transmit my objection to Senate Bill 2508, enacted during the 124th Session of the Legislature of Florida, during the Regular Session of 2022 and entitled:

An act relating to Environmental Resources

While the bill that was ultimately passed by the Legislature is an improvement over what was initially filed, SB 2508 still creates unnecessary and redundant regulatory hurdles that may compromise the timely execution and implementation of Everglades restoration projects, water control plans and regulation schedules.

For this reason, I withhold my approval of SB 2508 and do hereby veto the same.

Sincerely,

*Ron DeSantis*
Governor

**The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.**

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Secretary Cord Byrd June 2, 2022
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8 of the Constitution of Florida, I do hereby veto and transmit my objection to Senate Bill 2512 (SB 2512), enacted during the 124th Session of the Legislature of Florida, during the Regular Session 2022 and entitled:

An act relating to Aircraft

The Legislature passed SB 2512, which in part, creates the executive aircraft pool for two new aircrafts that could be utilized by over 100 government officials, available 24/7, 365 days a year, requiring additional 17 staff positions within the Department of Management Services for the purpose of providing multiple state-owned aircrafts for executive air travel.

This is an inadvisable expense, especially under current economic conditions, and could have unintended consequences given the breath of the officials included in the authorization.

For this reason, I withhold my approval of SB 2512 and do hereby veto the same.

Sincerely,

*Ron DeSantis*
Governor

**The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.**

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Secretary Cord Byrd June 2, 2022
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby veto and withhold my approval from the following specific appropriation contained within Senate Bill 2526 (lines 78-93):

(2) Beginning in the 2022-2023 fiscal year, and annually through the 2052-2053 fiscal year, the sum of $20 million is appropriated and shall be transferred to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute for construction and development of Moffitt's Pasco County life sciences park. Monies transferred to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute pursuant to this subsection may be used to secure financing to pay costs related to the construction and development of Moffitt's Pasco County life sciences

park. Such financing may include the issuance of tax-exempt bonds or other forms of indebtedness by a local authority, municipality, or county pursuant to parts II and III of chapter 159. Such bonds shall not constitute state bonds for purposes of s. 11, Art. VII of the State Constitution, but shall constitute bonds of a local agency as defined in s. 92159.27(4).

I do hereby sign and transmit the remainder of Senate Bill 2526 enacted during the 124th Session of the Legislature of Florida, during the Regular Session of 2022 and entitled:

An act relating to Health

The Freedom First Budget provides $100,000,000 to support the Florida Consortium of National Cancer Institute Centers Program, of which the H. Lee Moffitt Cancer Center and Research Institute is one of three eligible institutions. This funding represents an increase of $37,771,257 over the previous year. I requested this additional funding because I am committed to enhancing Florida's competitiveness in cancer research and care at national and international levels to ensure that all Floridians have access to the highest quality of care.

However, I do not support the provision of funding that will tie the state to a long term, thirty-year commitment that inhibits budget flexibility. These state funds could be used to support more than $300 million of bonding capacity that would impact the state's debt capacity without any state oversight.

For the reasons stated above, the $20,000,000 appropriation contained in Senate Bill 2526 is hereby vetoed, and I hereby approve the remainder of the Act.

Sincerely,

*Ron DeSantis*
Governor

**The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.**

## EXECUTIVE BUSINESS

The following Executive Orders were filed with the Secretary:

### SUSPENSION REPORTS

**EXECUTIVE ORDER NUMBER 22-176**
(Executive Order of Suspension)

WHEREAS, Article IV of the Florida Constitution vests the State's supreme executive power in the Governor and requires the Governor to take care that the laws of Florida are faithfully executed. *See* Art. IV, § 1(a), Fla. Const.; and

WHEREAS, in furtherance of the Governor's executive responsibility, the Governor may suspend from office any state officer not subject to impeachment for that officer's malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony. *See* Art. IV, § 7(a), Fla. Const.; and

WHEREAS, "neglect of duty" refers to "the neglect or failure on the part of a public officer to do and perform some duty or duties laid on him as such by virtue of his office or which is required of him by law." *Israel v. DeSantis*, 269 So. 3d 491, 496 (Fla. 2019) (quoting *State ex rel. Hardie v. Coleman*, 155 So. 129, 132 (Fla. 1934)). "It is not material whether the neglect be willful, through malice, ignorance, or oversight." *Id.*; and

WHEREAS, "incompetence" may arise from "gross ignorance of official duties or gross carelessness in the discharge of them," or from "lack of judgment and discretion." *Id.* (quoting *Coleman*, 155 So. at 133); and

WHEREAS, state attorneys are state officers constitutionally elected to serve as the prosecuting officers of all trial courts within each judicial circuit. *See* Art. V, § 17, Fla. Const.; and

WHEREAS, with respect to the prosecution of crimes in general, "the State acts exclusively through the offices of the state attorneys." *Cook v. State*, 921 So. 2d 631, 644 (Fla. 2d DCA 2005); and

WHEREAS, state attorneys are not subject to impeachment, *see* Art. III, § 17, Fla. Const., and thus are eligible for suspension by the Governor and removal by the Senate, *see* Art. IV, § 7(a), (b), Fla. Const.; and

WHEREAS, even though state attorneys have complete discretion in making the decision to prosecute a particular defendant, *Cleveland v. State*, 417 So. 2d 653, 654 (Fla. 1982), prosecutorial discretion requires a state attorney to make "case-specific" and "individualized" determinations as to whether the facts warrant prosecution. *Ayala v. Scott*, 224 So. 3d 755, 758-59 (Fla. 2017); and

WHEREAS, a state attorney's "blanket refusal" to enforce a criminal law is not an exercise of prosecutorial discretion but is "tantamount to a 'functional veto' of state law." *Id.* at 758 (discussing *Johnson v. Pataki*, 691 N.E.2d 1002, 1007 (N.Y. 1997)) (alteration omitted); and

WHEREAS, a state attorney's policy to "knowingly permit" criminal activity and "prefer no charges" constitutes "neglect of duty" under the Florida Constitution. *See State ex rel. Hardee v. Allen*, 172 So. 222, 223-24 (Fla. 1937) (concluding that the Governor's suspension of a Tampa prosecutor for "neglect of duty" was sufficiently based on the prosecutor's alleged unwillingness to prosecute gambling offenses); and

WHEREAS, a state attorney who contends that prosecutorial discretion may be used to disregard entire criminal laws demonstrates incompetence and gross ignorance of a state attorney's official duty to exercise discretion only on a "case-by-case" and "individualized" basis. *See Ayala*, 224 So. 3d at 759 (a state attorney's erroneous application of prosecutorial discretion "embodies, at best, a misunderstanding of Florida law"); and

WHEREAS, Andrew Warren is the State Attorney for the 13th Judicial Circuit of the State of Florida (hereafter, "Warren"); and

WHEREAS, Warren demonstrated his incompetence and willful defiance of his duties as a state attorney as early as June 2021, when he signed a "Joint Statement" with other elected prosecutors in support of gender-transition treatments for children and bathroom usage based on gender identity (attached hereto as Exhibit "A"). The statement read:

"[W]e pledge to use our discretion and not promote the criminalization of gender affirming healthcare or transgender people."

and

"Bills that criminalize safe and crucial medical treatments or the mere public existence of trans people do not promote public safety, community trust, or fiscal responsibility. They serve no legitimate purpose. As such, we pledge to use our settled discretion and limited resources on enforcement of laws that will not erode the safety and well-being of our community. And we do not support the use of scarce criminal justice and law enforcement resources on criminalization of doctors who offer medically necessary, safe, gender-affirming care to trans youth, parents who safeguard their child's health and wellbeing by seeking out such treatments, or any individuals who use facilities aligned with their gender identity."

and

"We are committed to ending this deeply disturbing and destructive criminalization of gender-affirming healthcare and transgender people."

WHEREAS, although the Florida Legislature has not enacted such criminal laws, these statements prove that Warren thinks he has authority to defy the Florida Legislature and nullify in his jurisdiction criminal laws with which he disagrees; and

WHEREAS, based on this fundamentally flawed and lawless understanding of his duties as a state attorney, Warren has acted as a law unto himself by instituting a policy during his current term of presumptive non-enforcement for certain criminal violations, including

trespassing at a business location, disorderly conduct, disorderly intoxication, and prostitution; and

WHEREAS, Warren has also instituted a policy during his current term against prosecuting crimes where the initial encounter between law enforcement and the defendant results from a non-criminal violation in connection with riding a bicycle or a pedestrian violation. This presumption of non-prosecution applies even to crimes of misdemeanor resisting arrest without violence—for example, fleeing from a law enforcement officer. The only exception to the policy is where there is a direct threat to public safety, such as where an individual has suffered physical harm or where a firearm is involved; and

WHEREAS, Warren's policies of presumptive non-enforcement are not a proper exercise of prosecutorial discretion because they do not require "case-specific" and "individualized" determinations as to whether the facts warrant prosecution but instead are based on categorical exclusions of otherwise criminal conduct that is tantamount to rewriting Florida criminal law; and

WHEREAS, such policies have the effect of usurping the province of the Florida Legislature to define criminal conduct as well as the duties of other law enforcement officials in Hillsborough County to faithfully enforce violations of Florida criminal law; and

WHEREAS, Warren's erroneous understanding of his duties recently culminated in his public declaration that he would not enforce criminal laws enacted by the Florida Legislature that prohibit providers from performing certain abortions to protect the lives of unborn children; and

WHEREAS, the majority of abortion procedures performed after 15 weeks' gestation are dilation and evacuation procedures that involve the use of surgical instruments to crush and tear apart the unborn child, who is capable of feeling pain at this stage, before removing the remains of the dead child from the womb; and

WHEREAS, Florida's criminal law prohibits partial-birth abortions, which are classified as second degree felonies and punishable by imprisonment of up to 15 years and monetary penalties. *See* §§ 782.34, 775.082(3)(d), and 775.083(1)(b), Fla. Stat. Partial-birth abortion is a late-term procedure where the unborn child is partially delivered, but the physician ends the child's life by piercing the child's head with scissors while the head is still in the mother's womb; and

WHEREAS, Florida criminal law has also generally prohibited physicians from performing an abortion during the third trimester or after a fetus achieves viability. *See* §§ 390.0111, 390.01112, Fla. Stat. (2021); and

WHEREAS, on March 3, 2022, the Florida Legislature passed House Bill 5 ("HB 5"), entitled "Reducing Fetal and Infant Mortality," which prohibits a physician from performing an abortion after a fetus reaches the gestational age of 15 weeks, with certain exceptions; and

WHEREAS, I signed HB 5 on April 14, 2022, it took effect on July 1, 2022, and it remains in full force and effect, *see State v. Planned Parenthood of Sw. & Cent. Fla.*, No. 1D22-2034, 2022 WL 2865900 (Fla. 1st DCA July 21, 2022) (declining to vacate automatic stay of preliminary injunction against HB 5); and

WHEREAS, a violation of Florida's criminal law against certain abortions is, at a minimum, a felony of the third degree, punishable by imprisonment of up to five years and monetary penalties. *See* §§ 390.0111(10)(a), 775.082(3)(e), and 775.083(1)(c), Fla. Stat.; and

WHEREAS, the purpose and effect of Florida's abortion laws are to protect women and their unborn children by punishing and deterring providers who perform unlawful abortions, rather than the women who may receive them; and

WHEREAS, on June 24, 2022, the Supreme Court of the United States overturned *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833 (1992), reaffirming that states may prohibit abortion through criminal laws passed by their elected representatives. *See Dobbs v. Jackson Women's Health Organization*, 142 S. Ct. 2228 (2022); and

WHEREAS, in the wake of the Supreme Court's decision in *Dobbs*, Warren publicly proclaimed in writing that he will not prosecute individuals who provide abortions in violation of Florida's criminal laws to protect the life of the unborn child. Specifically, Warren signed a "Joint Statement" dated June 24, 2022, and updated on July 25, 2022, with other elected prosecutors (attached hereto as Exhibit "B"), which stated:

"Criminalizing and prosecuting individuals who ... provide abortion care makes a mockery of justice; prosecutors should not be part of that."

and

"Enforcing abortion bans runs counter to the obligations and interests we are sworn to uphold."

and

"As such, we [the undersigned prosecutors] decline to use our offices' resources to criminalize reproductive health decisions and commit to exercise our well-settled discretion and refrain from prosecuting those who ... provide, or support abortions."

and

"Our legislatures may decide to criminalize personal healthcare decisions, but *we* remain obligated to prosecute only those cases that serve the interests of justice and the people."

WHEREAS, Warren is the only state attorney in Florida who signed this statement, and he signed the statement in his official capacity as the "State Attorney, 13th Judicial Circuit (Tampa), Florida"; and

WHEREAS, Warren has thus clearly, unequivocally, and publicly declared that his office will not prosecute violations of Florida criminal laws that prohibit providers from performing certain abortions to protect the life of the unborn child; and

WHEREAS, the "Joint Statement" defines abortion as "a personal choice made by a pregnant person to terminate a pregnancy" and thus applies to any abortions, including late-term and partial-birth abortions; and

WHEREAS, Warren's declared intent in the "Joint Statement" not to prosecute abortion crimes to achieve their purpose of protecting the lives of unborn children encourages not only the abortions recently prohibited by HB 5, but also late-term and partial-birth abortions that have long been banned under Florida's criminal law; and

WHEREAS, Warren has effectively nullified these Florida criminal laws in the 13th Judicial Circuit, thereby eroding the rule of law, encouraging lawlessness, and usurping the exclusive role of the Florida Legislature to define criminal conduct. *See* Ex. B ("Our legislatures may decide to criminalize personal healthcare decisions, but *we* remain obligated to prosecute only those cases that serve the interests of justice and the people. Criminalizing and prosecuting individuals who seek or provide abortion care makes a mockery of justice; prosecutors should not be part of that."); and

WHEREAS, in light of the strident representations of non-enforcement and open defiance of the Florida Legislature evident in the "Joint Statement," there is no reason to believe that Warren will faithfully enforce the abortion laws of this State and properly exercise his prosecutorial discretion on a "case-specific" and "individualized" basis; and

WHEREAS, Warren's declared refusal to prosecute abortion cases is alone sufficient to justify his suspension and removal for neglect of duty and incompetence; and

WHEREAS, Warren's avowed refusal to enforce certain criminal laws on a non-individualized, category-wide basis of his choosing is a neglect of duty in violation of his oath of office to faithfully perform his duties as State Attorney for the 13th Judicial Circuit; and

WHEREAS, Warren's neglect of duty is willful and intended to be a "functional veto" on the policies of the Florida Legislature; and

WHEREAS, Warren's neglect of duty is not excused by prosecutorial discretion, because his blanket policies ensure that he will exercise no discretion at all in entire categories of criminal cases; and

WHEREAS, Warren's public proclamations of non-enforcement further demonstrate his incompetence and lack of judgment arising from

his gross ignorance of his official duties to faithfully enforce the criminal law and to exercise discretion only on a case-by-case basis; and

WHEREAS, it is my duty as Governor to take care that the laws are faithfully executed by ensuring that all criminal violations remain eligible for prosecution throughout the State of Florida; and

WHEREAS, as a result of his open and notorious repudiation and nullification of Florida law, as well as his blatant defiance of the Florida Legislature, Warren can no longer be trusted to fulfill his oath of office and his duty to see that Florida law is faithfully executed; and

WHEREAS, it is in the best interests of the residents of the 13th Judicial Circuit that they immediately have a new state attorney who will faithfully execute Florida's criminal laws and exercise prosecutorial discretion to do justice on a case-by-case, fact-specific basis in accordance with Florida law; and

NOW, THEREFORE, I, RON DESANTIS, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, and for the purposes of Article IV, section 7 of the Florida Constitution, determine as follows:

A. Andrew Warren is, and at all material times was, the State Attorney for the 13th Judicial Circuit of Florida.
B. The office of state attorney is within the purview of the suspension powers of the Governor, pursuant to Article IV, section 7 of the Florida Constitution.
C. The actions and omissions of Andrew Warren as referenced above constitute "neglect of duty" and "incompetence" for the purposes of Article IV, section 7 of the Florida Constitution.
D. If, after execution of this suspension, additional facts are discovered that illustrate further neglect of duty, incompetence, or other constitutional grounds for suspension of Andrew Warren, this Executive Order may be amended to allege those additional facts.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective immediately:

Section 1. Andrew Warren is hereby suspended from the public office that he now holds, to wit: State Attorney for the 13th Judicial Circuit of Florida.

Section 2. Andrew Warren is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further executive order is issued, or as otherwise provided by law.

Section 3. As of the signing of this Executive Order, the Hillsborough County Sheriff's Office, assisted by other law enforcement agencies as necessary, is requested to: (i) assist in the immediate transition of Andrew Warren from the Office of the State Attorney for the 13th Judicial Circuit of Florida, with access only to retrieve his personal belongings; and (ii) ensure that no files, papers, documents, notes, records, computers, or removable storage media are removed from the Office of the State Attorney for the 13th Judicial Circuit of Florida by Andrew Warren or any of his staff.

Section 4. The Honorable Susan Lopez, County Court Judge of the 13th Judicial Circuit in and for Hillsborough County, is hereby appointed forthwith, effective August 4, 2022, to fill the position of State Attorney for the 13th Judicial Circuit of Florida in accordance with Article IV, section 7, subsection (a) of the Florida Constitution for the duration of the suspension.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 4th day of August, 2022.

*Ron DeSantis*
GOVERNOR

ATTEST:
*Cord Byrd*
SECRETARY OF STATE

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Mr. Andrew Warren August 15, 2022
c/o Mr. David B. Singer, Esquire
Shumaker, Loop & Kendrick, LLP
Bank of America Plaza
101 E. Kennedy Boulevard, Suite 2800
Tampa, FL 33602

VIA CERTIFIED MAIL

RE: Executive Order of Suspension, Exec. Order No. 22-176

Dear Mr. Warren:

The Florida Senate has received Executive Order 22-176 in which the Governor has suspended you from office as State Attorney of the 13th Judicial Circuit. Pursuant to Article IV, s. 7(b) of the Florida Constitution, the Florida Senate may either remove you from office or reinstate you to office.

You have a right to a hearing conducted in accordance with Part V, Chapter 112, Florida Statutes and Senate Rule 12. If you wish to have a hearing, please request the hearing in writing. In order for the Senate to comply with the timeline contemplated in Senate Rule 12, please submit your request for a hearing within 15 days of receipt of this letter.

If you request a hearing, you will receive a Notice of Hearing before a Special Master or committee containing the date, time, and location of the hearing. If you do not wish to have a hearing, you may submit your written resignation to the Governor's Office. If you tender your resignation, please provide a copy of your resignation to the Office of the Senate Secretary.

Alternatively, should you elect to initiate a court challenge, please notify the Office of the Senate Secretary. Senate Rule 12.9 states, in relevant part, that the Senate process shall be held in abeyance and the matter shall not be considered by the Senate until final determination of a court challenge and the exhaustion of all appellate remedies. As such, upon the initiation of a court challenge, the matter of your reinstatement or removal from office by the Florida Senate will be held in abeyance by President Simpson until a final determination in the litigation has been rendered.

To learn more about the Senate process, or to access applicable statutes and rules, please visit http://www.flsenate.gov/Session/ExecutiveSuspensions.

To ensure timely correspondence, until you receive a notice of final action on this matter, it is your responsibility to make sure that the Senate has your correct contact information.

If you have any questions concerning this notice, please contact the undersigned.

Respectfully,

*Debbie Brown*
Secretary

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Mr. Andrew H. Warren August 17, 2022
c/o Mr. David B. Singer, Esquire
Shumaker, Loop & Kendrick, LLP
Bank of America Plaza
101 E. Kennedy Boulevard, Suite 2800
Tampa, FL 33602

VIA CERTIFIED MAIL

RE: Executive Order of Suspension, Exec. Order No. 22-176

Dear Mr. Warren:

As noted in our prior correspondence, the Senate's process for acting on the matter of your reinstatement to or removal from office is governed by Part V, Chapter 112, Florida Statutes and Senate Rule 12. Senate Rule 12.9 states, in relevant part, that the Senate process shall be held in abeyance and the matter shall not be considered by the

Senate until final determination of a court challenge and the exhaustion of all appellate remedies.

Given the challenge initiated today in federal court, President Simpson has directed me to inform you the matter of your reinstatement to or removal from office by the Florida Senate is now held in abeyance.

The Senate respectfully requests your counsel keep Mr. Rey appraised as to the progress of the aforementioned litigation. Senate Rules provide the President discretion to proceed if he determines due process requires the Senate to move forward.

If you have any questions concerning this correspondence, please contact the undersigned.

Respectfully,

*Debbie Brown*
Secretary

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**EXECUTIVE ORDER NUMBER 22-202**
(Executive Order of Suspension)

WHEREAS, article IV of the Florida Constitution vests the State's "supreme executive power" in the Governor and requires the Governor to "take care" that the laws of Florida are faithfully executed. Art. IV, § 1(a), Fla. Const.; and

WHEREAS, in furtherance of the Governor's executive responsibility, the Governor "may suspend from office . . . any county officer . . . for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony." Art. IV, § 7(a), Fla. Const.; and

WHEREAS, a district school board member is a "county officer" subject to the Governor's suspension power. *In re Advisory Opinion to Governor-Sch. Bd. Member-Suspension Auth.*, 626 So. 2d 684, 690 (Fla. 1993) (finding that "a district school board member is a 'county' officer" subject to gubernatorial suspension); and

WHEREAS, "malfeasance" refers to "evil conduct or an illegal deed, the doing of that which one ought not to do, the performance of an act by an officer in his official capacity that is wholly illegal and wrongful, which he has no right to perform or which he has contracted not to do." *State ex rel. Hardie v. Coleman*, 155 So. 129, 132 (Fla. 1934); and

WHEREAS, "misfeasance" refers to "the performance by an officer in his official capacity of a legal act in an improper or illegal manner." *Id.*; and

WHEREAS, "neglect of duty" refers to "the neglect or failure on the part of a public officer to do and perform some duty or duties laid on him as such by virtue of his office or which is required of him by law." *Israel v. DeSantis*, 269 So. 3d 491, 496 (Fla. 2019) (quoting *Coleman*, 155 So. at 132). "It is not material whether the neglect be willful, through malice, ignorance, or oversight." *Id.* (quoting *Coleman*, 155 So. at 132); and

WHEREAS, "incompetence" may arise from "gross ignorance of official duties or gross carelessness in the discharge of them" or from "lack of judgment and discretion." *Id.* (quoting *Coleman*, 155 So. at 133); and

WHEREAS, district school board members are constitutionally elected as provided by law to "operate, control and supervise all free public schools within the school district." Art. IX, § 4(b), Fla. Const.; *see* § 1001.32(2), Fla. Stat. (same); and

WHEREAS, a district school superintendent not subject to election is "employed by the district school board" as provided by law. Art. IX, § 5, Fla. Const.; and

WHEREAS, all public schools within a school district are under the direction and control of the district school board, with the district school superintendent serving as the executive officer. *See* § 1001.33, Fla. Stat.; and

WHEREAS, district school boards are "responsib[le] for the actual operation and administration of all schools needed within the districts in conformity with rules and minimum standards prescribed by the state." § 1001.30, Fla. Stat.; and

WHEREAS, the State of Florida requires district school boards to pay "proper attention to health, safety, and other matters relating to the welfare of students." § 1001.42(8)(a), Fla. Stat.; and

WHEREAS, to that end, state law places various duties on district school boards to promote the health, safety, and welfare of students—including duties related to the supervision of district school superintendents and the planning, maintenance, protection, and construction of school property. *See, e.g.*, § 1001.41(5), Fla. Stat. ("The district school board, after considering recommendations submitted by the district school superintendent, shall . . . [p]erform duties and exercise those responsibilities that are assigned to it by law or by rules . . . and, in addition thereto, those that it may find to be necessary for the improvement of the district school system in carrying out the purposes and objectives of the education code."); § 1001.42(4)(c), Fla. Stat. (district school board is responsible for "[a]dopt[ing] and provid[ing] for the execution of plans for the establishment, organization, and operation of the schools of the district, including, but not limited to, . . . [p]rovid[ing] adequate educational facilities for all children"); § 1001.42(11)(b)6.-8., Fla. Stat. (district school board is responsible for "[a]pprov[ing] plans for locating, planning, constructing, sanitating, insuring, maintaining, protecting, and condemning school property," including "[p]rovid[ing] for the proper supervision of construction," "[m]ak[ing] or contract[ing] for additions, alterations, and repairs on buildings and other school properties," and "[e]nsur[ing] that all plans and specifications for buildings provide adequately for the safety and well-being of students, as well as for economy of construction"); § 1001.42(11)(c), Fla. Stat. (district school board is responsible for "[p]rovid[ing] adequately for the proper maintenance and upkeep of school plants, so that students may attend school without sanitary or physical hazards, and provide for the necessary heat, lights, water, power, and other supplies and utilities necessary for the operation of the schools"); and

WHEREAS, state law similarly places various duties on the district school superintendent. *See, e.g.*, § 1001.51(6), (10)-(11), Fla. Stat. (district school superintendent is responsible for "[r]ecommend[ing] the establishment, organization, and operation of such schools, classes, and services as are needed to provide adequate educational opportunities for all children in the district," "[r]ecommend[ing] plans, and execut[ing] such plans as are approved, regarding all phases of the school plant program," and "[r]ecommend[ing] measures to the district school board to assure adequate educational facilities throughout the district"); and

WHEREAS, the district school superintendent is "[r]esponsib[le] for the administration and management of the schools and for the supervision of instruction in the district." § 1001.32(3), Fla. Stat.; and

WHEREAS, Patricia Good ("Good"), Donna Korn ("Korn"), Ann Murray ("Murray"), and Laurie Rich Levinson ("Levinson") are all members of the School Board of Broward County ("the Board"); and

WHEREAS, Murray has served on the Board since 2008, and her current term expires this year; Good and Levinson have served since 2010, but Good's current term expires in 2024 and Levinson's expires this year; and Korn has served since 2012, and her current term expires this year; and

WHEREAS, Robert Runcie ("Runcie") was employed by and is the former Superintendent of the Broward County Public Schools; and

WHEREAS, Barbara Myrick ("Myrick") was employed by and is the former General Counsel of the Broward County Public Schools; and

WHEREAS, the Twentieth Statewide Grand Jury was convened in the aftermath of the tragic Marjory Stoneman Douglas High School shooting; and

WHEREAS, the Order Directing Impanelment of the Twentieth Statewide Grand Jury, issued by the Florida Supreme Court on February 25, 2019, asked the Grand Jury to examine four issues: (a) whether refusal or failure to follow the mandates of school-related safety laws, such as the Marjory Stoneman Douglas Public Safety Act, results in unnecessary and avoidable risk to students across the state; (b)

whether public entities committed—and continue to commit—fraud and deceit by accepting state funds conditioned on implementation of certain safety measures while knowingly failing to act; (c) whether school officials committed—and continue to commit—fraud and deceit by mismanaging, failing to use, and diverting funds from multimillion-dollar bonds specifically solicited for school safety initiatives; and (d) whether school officials violated—and continue to violate—state law by systemically underreporting incidents of criminal activity to the Department of Education; and

WHEREAS, on April 16, 2021, the Twentieth Statewide Grand Jury issued its Final Report (attached hereto and incorporated by reference as Exhibit "A"), but the Report was sealed and thus unavailable to the public; and

WHEREAS, the Twentieth Statewide Grand Jury's Final Report was unsealed and released to the public on August 19, 2022; and

WHEREAS, the Twentieth Statewide Grand Jury, after conducting an in-depth investigation, examining records obtained from numerous sources, and questioning numerous witnesses, found in its Final Report that School Board Members Good, Korn, Murray, and Levinson each committed malfeasance, misfeasance, neglect of duty, and incompetence in mismanaging the SMART Program, a multimillion-dollar bond specifically solicited for school safety and renovation initiatives, among other things; and

WHEREAS, the Twentieth Statewide Grand Jury found in its Final Report that the Board was aware of serious problems with the SMART Program, including Runcie's inability or unwillingness to manage those problems, and that it fell to the Board to exercise its powers to resolve the problems, namely: (1) the power to hire, fire, evaluate, and contract with subordinate leaders and managers, including Runcie and Myrick; (2) the power to approve and ratify the yearly budget; and (3) the power to write policy; and

WHEREAS, Runcie and Myrick were both indicted for felonies related to their appearances before the Twentieth Statewide Grand Jury; and

WHEREAS, the Twentieth Statewide Grand Jury found in its Final Report that although the criminal transgressions of Runcie and Myrick are not the fault of the Board, the permissive atmosphere that the Board created for its former employees, coupled with the Board's unwillingness to hold Runcie, Myrick, and other employees accountable, emboldened their unacceptable behavior as detailed in the Final Report; and

WHEREAS, the Twentieth Statewide Grand Jury found in its Final Report numerous failures of the Board related to their oversight of school board personnel, including Runcie, and the SMART Program; and

WHEREAS, the Twentieth Statewide Grand Jury found in its Final Report that the Board, through fraud and deceit, has mismanaged the SMART Program and will continue to mismanage that program if nothing changes; and

WHEREAS, for example, the Final Report found that the SMART projects "which were clearly and specifically promised in 2014 by [District] officials to be completed by the end of 2021 at a cost of $987 million are now estimated to be completed in 2025 at a cost of approximately $1.462 billion"; and

WHEREAS, the Final Report further found that "the overall pattern of the last seven years is clear: District leadership—guided by a woefully inaccurate scope of work from 2014—continues year after year to sail SMART Program projects into storm after storm"; and

WHEREAS, the Final Report observed that school district personnel had been aware "that the roofing prices [for SMART Program projects] were fatally flawed since 2016," but "[w]hat is unclear to [the Twentieth Statewide Grand Jury] is how Superintendent Runcie and the Board can claim they are not aware of this fact in 2021"; and

WHEREAS, the Final Report noted that, as late as September 2020, "the Board ha[d] not taken any substantive action, or directed Superintendent Runcie to take substantive action to address the problems in the Building Department"; and

WHEREAS, the Final Report found that a safety-related fire alarm that could have possibly saved lives at the Marjory Stoneman Douglas High School "was and is such a low priority that it remains uninstalled at multiple schools" in Broward County; and

WHEREAS, the Final Report concluded that "students continue to be educated in unsafe, aging, decrepit, moldy buildings that were supposed to have been renovated years ago" and that the "Board cannot continue to give the District a blank check to incompetently manage these SMART Program projects"; and

WHEREAS, based on its findings, the Twentieth Statewide Grand Jury has recommended that the Governor immediately suspend School Board Members Good, Korn, Murray, and Levinson from public office; and

WHEREAS, based on its findings, the Twentieth Statewide Grand Jury does not recommend that the Governor suspend any other current Board Members; and

WHEREAS, School Board Members Good, Korn, Murray, and Levinson were on the Board from the beginning of the SMART Program and were responsible for the management of the Program, the conduct of school board personnel, and the safety and well-being of the students of the Broward County Public Schools; and

WHEREAS, School Board Members Good, Korn, Murray, and Levinson have failed their responsibilities and duties to the parents and students of the Broward County Public Schools due to their failure, as described in the Twentieth Statewide Grand Jury's Final Report, to adequately oversee the management of the SMART Program, to supervise school board personnel, and to protect the students of the Broward County Public Schools; and

WHEREAS, as found in the Twentieth Statewide Grand Jury's Final Report, the gross mismanagement of the SMART Program by School Board Members Good, Korn, Murray, and Levinson occurred in part during their current terms in office and constitutes malfeasance, misfeasance, neglect of duty, and incompetence in violation of their oath of office to "faithfully perform the[ir] duties" as School Board Members. *See* art. II, § 5(b), Fla. Const.; and

WHEREAS, due to their malfeasance, misfeasance, neglect of duty, and incompetence, School Board Members Good, Korn, Murray, and Levinson can no longer demonstrate the qualifications necessary to meet their duties in office; and

WHEREAS, it is in the best interests of the residents and students of Broward County, and the citizens of the State of Florida, that School Board Members Good, Korn, Murray, and Levinson be immediately suspended from public office.

NOW, THEREFORE, I, RON DESANTIS, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, and for the purposes of article IV, section 7 of the Florida Constitution, determine as follows:

A. Patricia Good, Donna Korn, Ann Murray, and Laurie Rich Levinson are, and at all material times were, members of the School Board of Broward County.

B. The office of district school board member is within the purview of the suspension powers of the Governor, pursuant to article IV, section 7 of the Florida Constitution.

C. The actions and omissions of School Board Members Patricia Good, Donna Korn, Ann Murray, and Laurie Rich Levinson, as referenced above and as detailed in the Twentieth Statewide Grand Jury's Final Report, which has been attached hereto and incorporated by reference, occurred in part during their current terms in office and constitute "malfeasance," "misfeasance," "neglect of duty," and "incompetence" for the purposes of article IV, section 7 of the Florida Constitution.

D. If, after execution of this suspension, additional facts are discovered that illustrate further malfeasance, misfeasance, neglect of duty, incompetence, or other constitutional grounds for suspension of School Board Members Patricia Good, Donna Korn, Ann Murray, and

Laurie Rich Levinson, this Executive Order may be amended to allege those additional facts.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective immediately:

Section 1. Patricia Good, Donna Korn, Ann Murray, and Laurie Rich Levinson are each hereby suspended from the public office that they now hold, to wit: Member of the School Board of Broward County.

Section 2. Patricia Good, Donna Korn, Ann Murray, and Laurie Rich Levinson are each hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further executive order is issued, or as otherwise provided by law.

Section 3. As of the signing of this Executive Order, the Broward County Sheriff's Office, assisted by other law enforcement agencies as necessary, is requested to: (i) assist in the immediate transition of Patricia Good, Donna Korn, Ann Murray, and Laurie Rich Levinson from the School Board of Broward County, with access only to retrieve their personal belongings; and (ii) ensure that no files, papers, documents, notes, records, computers, or removable storage media are removed from the School Board of Broward County or the Broward County Public Schools by the suspended individuals or any of their staff.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 26th day of August, 2022.

*Ron DeSantis*
GOVERNOR

ATTEST:
*Cord Byrd*
SECRETARY OF STATE

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November 22, 2022

Ms. Patricia Good
9521 SW 6th Street
Pembroke Pines, FL 33025
goodforschoolboard@yahoo.com

VIA CERTIFIED MAIL

RE: Executive Order of Suspension, Exec. Order No. 22-202

Dear Ms. Good:

Earlier today, pursuant to Section 3 of Article III of Florida's Constitution, the Senate formally organized for the 2022-24 Legislative Term and elected Senator Kathleen Passidomo as Senate President. I am directed by the President to contact you regarding Executive Order 22-202 in which the Governor suspended you from office as a member of the Broward County School Board.

Pursuant to Article IV, s. 7(b) of the Florida Constitution, the Florida Senate may either remove you from office or reinstate you to office. You have a right to a hearing conducted in accordance with Part V, Chapter 112, Florida Statutes and Senate Rule 12. If you wish to have a hearing, please request the hearing in writing. In order for the Senate to comply with the timeline contemplated in Senate Rule 12, please submit your request for a hearing within 15 days of receipt of this letter.

If you request a hearing, you will receive a Notice of Hearing before a Special Master or committee containing the date, time, and location of the hearing. If you do not wish to have a hearing, you may submit your written resignation to the Governor's Office. If you tender your resignation, please provide a copy of your resignation to the Office of the Senate Secretary.

Alternatively, should you elect to initiate a court challenge, please notify the Office of the Senate Secretary. Senate Rule 12.9 states, in relevant part, that the Senate process shall be held in abeyance and the matter shall not be considered by the Senate until final determination of a court challenge and the exhaustion of all appellate remedies. As such, upon the initiation of a court challenge, the matter of your reinstatement or removal from office by the Florida Senate will be held in abeyance by President Passidomo until final determination in the litigation has been rendered.

To learn more about the Senate process, or to access applicable statutes and rules, please visit http://www.flsenate.gov/Session/ExecutiveSuspensions.

To ensure timely correspondence, until you receive a notice of final action on this matter, it is your responsibility to make sure that the Senate has your correct contact information.

If you have any questions concerning this notice, please contact the undersigned.

Respectfully,

*Tracy Cantella*
Secretary

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Patricia Good
9521 SW 6 Street
Pembroke Pines, FL 33025

Governor Ron DeSantis
400 S. Monroe Street
Tallahassee, FL 32399
(Email)
GovernorRon.DeSantis@eog.myflorida.com

Dear Governor DeSantis:

I write to inform you that effective Wednesday, November 9, 2022, I am resigning from my position of District 2 School Board Member from the Broward County School Board. It has been my honor to be elected to serve this community since 2010. I have supported public education my entire life and continue to believe in my heart that education is the true equalizer in life that allows every child a chance to achieve their goals and dreams.

Sincerely,
*Patricia Good*

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November 28, 2022

Ms. Patricia Good
9521 SW 6th Street
Pembroke Pines, FL 33025
goodforschoolboard@yahoo.com

VIA EMAIL & CERTIFIED MAIL

RE: Executive Order of Suspension, Exec. Order No. 22-202

Dear Ms. Good:

I previously wrote to you on November 22, 2022, regarding Executive Order 22-202 in which the Governor suspended you from office as a member of the Broward County School Board. In that letter, I informed you of your right to a hearing regarding this suspension in accordance with Part V, Chapter 112, Florida Statutes and Senate Rule 12. Alternatively, I informed you that you may submit your written resignation to the Governor's Office if you did not wish to have a hearing.

I have received your correspondence dated November 27, 2022, in which you enclosed your written resignation from the Broward County School Board to the Governor, dated November 9, 2022. Based on your

resignation, there is no further action required by the Senate on this suspension and the matter is closed.

If you have any questions concerning this notice, please contact the undersigned.

Respectfully,

*Tracy Cantella*
Secretary

**[This matter having been resolved was closed.]**

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November 22, 2022

Ms. Donna Korn
13360 SW 36th Court
Davie, FL 33330
dkorn@bellsouth.net

VIA CERTIFIED MAIL

RE: Executive Order of Suspension, Exec. Order No. 22-202

Dear Ms. Korn:

The Florida Senate received Executive Order 22-202 in which the Governor suspended you from office as a member of the Broward County School Board.

Your term of office having expired, there is no further action required by the Senate on this suspension, and the matter is closed.

If you have any questions concerning this notice, please contact the undersigned.

Respectfully,

*Tracy Cantella*
Secretary

**[Donna Korn's term having expired prior to Senate action, this matter was closed.]**

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November 22, 2022

Ms. Laurie Rich Levinson
142 SW 127th Terr.
Plantation, FL 33325
electlaurierichlevinson@gmail.com

VIA CERTIFIED MAIL

RE: Executive Order of Suspension, Exec. Order No. 22-202

Dear Ms. Rich Levinson:

The Florida Senate received Executive Order 22-202 in which the Governor suspended you from office as a member of the Broward County School Board.

Your term of office having expired, there is no further action required by the Senate on this suspension, and the matter is closed.

If you have any questions concerning this notice, please contact the undersigned.

Respectfully,

*Tracy Cantella*
Secretary

**[Laurie Rich Levinson's term having expired prior to Senate action, this matter was closed.]**

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November 22, 2022

Ms. Ann Murray
c/o Peter T. Patanzo
Benjamin, Aaronson, Edinger, & Patanzo, PA
305 N.E. 1st St.
Gainesville, FL 32601
ppatanzo@benjaminaaronson.com

VIA CERTIFIED MAIL

RE: Executive Order of Suspension, Exec. Order No. 22-202

Dear Ms. Murray:

The Florida Senate received Executive Order 22-202 in which the Governor suspended you from office as a member of the Broward County School Board.

Your term of office having expired, there is no further action required by the Senate on this suspension, and the matter is closed.

If you have any questions concerning this notice, please contact the undersigned.

Respectfully,

*Tracy Cantella*
Secretary

**[Ann Murray's term having expired prior to Senate action, this matter was closed.]**

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**EXECUTIVE ORDER NUMBER 22-215**
(Executive Order of Suspension)

WHEREAS, Article IV, Section 7(a) of the Florida Constitution provides that the Governor may suspend from office any county officer for commission of a felony; and

WHEREAS, Jose Angel Martinez is presently serving as a County Commissioner for Miami-Dade County, Florida, District 11, having been elected in 2016 to serve a four-year term and reelected in 2020; and

WHEREAS, on August 30, 2022, an Information was issued against Martinez for the felony charges of unlawful compensation for official behavior, in violation of section 838.016(1), Florida Statutes, and conspiracy to commit unlawful compensation, in violation of section 838.016 and section 777.04(3), Florida Statutes; and

WHEREAS, the above violations constitute felonies in the second and third degree, respectively; and

WHEREAS, it is in the best interests of the residents of Miami-Dade County, and the citizens of the State of Florida, that Martinez be immediately suspended from the public office that he now holds, upon the grounds set forth in this Executive Order.

NOW, THEREFORE, I, RON DESANTIS, Governor of Florida, pursuant to Article IV, Section 7(a), find as follows:

A. Jose Angel Martinez is, and at all times material hereto was, County Commissioner, District 11, Miami-Dade County, Florida.
B. The office of County Commissioner, District 11, Miami-Dade County, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7(a).
C. The Information alleges that Jose Angel Martinez has committed felony acts in violation of the Laws of Florida. This suspension is predicated upon the attached Information, which is incorporated as if fully set forth in this Executive Order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the Laws of the State of Florida, this Executive Order is issued, effective immediately:

Section 1. Jose Angel Martinez is suspended from the public office that he now holds, to wit: County Commissioner, District 11, Miami-Dade County, Florida.

Section 2. Jose Angel Martinez is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until further Executive Order is issued, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, Florida, this 20th day of September, 2022.

*Ron DeSantis*
GOVERNOR

ATTEST:
*Cord Byrd*
SECRETARY OF STATE

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November 22, 2022

Mr. Jose A. Martinez
2600 South Douglas Road, Suite 900
Coral Gables, FL 33134
jose@riescoandcompany.com

VIA CERTIFIED MAIL

RE: Executive Order of Suspension, Exec. Order No. 22-215

Dear Mr. Martinez:

Earlier today, pursuant to Section 3 of Article III of Florida's Constitution, the Senate formally organized for the 2022-24 Legislative Term and elected Senator Kathleen Passidomo as Senate President. I am directed by the President to contact you regarding Executive Order 22-215 in which the Governor suspended you from office as a member of the Miami Dade County Commission.

Pursuant to Article IV, s. 7(b) of the Florida Constitution, the Florida Senate may either remove you from office or reinstate you to office. You have a right to a hearing conducted in accordance with Part V, Chapter 112, Florida Statutes and Senate Rule 12.

However, Senate Rule 12.9(2) requires all inquiry, investigation, or hearings be held in abeyance and not be considered by the Senate until pending charges are dismissed or until final determination of the criminal charges is rendered, including the exhaustion of all appellate remedies. Given the criminal charges against you, this matter will be held in abeyance by President Passidomo pursuant to Senate Rule 12.9(2).

At the conclusion of the pending criminal matter, should you wish to have a hearing, please submit a written request to the Office of the Senate Secretary. To ensure timely correspondence, until you receive a notice of final action on this matter, it is your responsibility to make sure that the Senate has your correct contact information.

If you have any questions concerning this notice, please contact the undersigned.

Respectfully,

*Tracy Cantella*
Secretary

# SENATE RULES

## RULE ONE

OFFICERS, SENATORS, EMPLOYEES, AND ETHICS

### PART ONE—SENATE OFFICERS

**1.1—Election of the President, President Pro Tempore, President Designate, President Pro Tempore Designate, Minority Leader, and Minority Leader Pro Tempore; designation of Majority Leader**

(1) A President and a President Pro Tempore shall be elected for a term of two (2) years at the organization session. They shall take an oath to support the *Constitution of the United States* and the *Constitution of the State of Florida*, and for the true and faithful discharge of the duties of office.

*See* Rule 5.6—Election by ballot.
*See* FLA. CONST. art. II, s. 5 Public officers.
*See* FLA. CONST. art. III, s. 2 Members; officers.
*See* FLA. CONST. art. III, s. 3(a) Sessions of the legislature.

(2) The Majority Party may, by caucus called by the President, elect a President Designate and a President Pro Tempore Designate whose names shall be certified to the Secretary. The President may designate a Majority Leader whose name shall be certified to the Secretary.

(3) The Minority Party may, by caucus, elect a Minority Leader and a Minority Leader Pro Tempore whose names shall be certified to the Secretary at the organization session.

(4) All elected officers shall hold office until their successors are chosen and qualified or until the expiration of their term, whichever shall occur first.

*See* Rule 1.7(3)—Resignation of the President.

**1.2—The President calls the Senate to order; informal recess**

The President shall call the Senate to order at the hour provided by these Rules or at the hour established by the Senate at its last sitting. A quorum being present, the President shall direct the Senate to proceed with the Daily Order of Business. The President may informally recess the Senate for periods of time not to exceed **thirty (30) minutes**.

*See* Rule 6.2(1)(c)—Motion to recess.

**1.3—The President's control of Chamber, corridors, and rooms**

The President shall preserve order and decorum and shall have general control of the Chamber, corridors, passages, and rooms of the Senate whether in the Capitol or elsewhere. If there is a disturbance, the President may order the area cleared.

**1.4—The President's authority and signature; questions of order; travel**

(1) The President shall sign all acts, joint resolutions, resolutions, and memorials. No writ, warrant, subpoena, contract binding the Senate, authorization for payment, or other papers shall issue without the signature of the President. The President may delegate signing authority for the authorization of payments. The President shall approve vouchers.

*See* FLA. CONST. art. III, s. 7 Passage of bills.

(2) The President shall decide all questions of order, subject to an appeal by any Senator.

*See* Rule 8.2—Presiding officer's power of recognition.
*See* Rule 8.9—Appeals.
*See* Rule 8.10—Appeals debatable.
*See* Rule 11.1—Interpretation of Rules.

(3) The President is authorized to incur and approve travel and per diem expenses for sessions of the Legislature. The President shall as-

sign duties and sign requisitions pertaining to legislative expenses incurred in transacting Senate business as authorized. The President shall have responsibility for Senate property and may delegate specific duties or authority pertaining thereto.

(4) The President may authorize or retain counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the Senate, a Senate committee, a Senator (whether in the legal capacity of Senator or taxpayer), a former Senator, or a Senate officer or employee when such suit is determined by the President to be of significant interest to the Senate and when it is determined by the President that the interests of the Senate would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the President.

**1.5—The President's appointment of committees**

(1) The President appoints members to all standing committees, standing subcommittees, ad hoc committees, and select committees. The President also appoints the Senate members of conference committees, joint committees, and joint select committees.

*See* Rule 2.1—Standing committees; standing subcommittees; select subcommittees.
*See* Rule 2.19—Conference committee in deliberation; reports.
*See* Rule 2.20—Appointment of chair and vice chair.
*See* Rule 2.26—Vice chair's duties.

(2) Any member removed from a committee without his or her consent shall have the right to appeal such removal to the Rules Committee. Findings or recommendations from the Rules Committee regarding an appeal may be reported to the President.

**1.6—The President's vote**

The President or temporary presiding Senator shall not be required to vote in legislative proceedings, except on final passage of a measure. In all yea and nay votes, the President's name shall be called last.

*See* Rule 1.39—Disclosure of conflict of interest and prohibition on voting thereon.

**1.7—The President's absence from the chair; duties of President Pro Tempore**

(1) The President may name any Senator to perform the duties of the chair during a sitting.

(2) If for any reason the President is absent and fails to name a Senator, the President Pro Tempore shall assume the duties of the chair.

(3) If the President resigns, he or she may, prior to resignation, designate a member of his or her party to assume the duties of the chair until a permanent successor is elected.

*See* Rule 1.1(4)—Part One—Senate Officers.

(4) In the event the chair is vacated permanently, nothing herein shall preclude the Senate from electing a presiding officer. If the chair is vacated permanently during a session of the Legislature, a new presiding officer must be elected within seven (7) days of the vacancy. If the chair is vacated permanently while the Legislature is not in session, the President's designee shall, by proclamation, convene the Senate independently no later than thirty (30) days after the vacancy for the sole purpose of electing a new presiding officer. The election shall be the Senate's first order of business. In the event that a designation is not made pursuant to subsection (3) of this Rule, the President Pro Tempore shall assume the duties of the designee in convening the Senate to elect a new presiding officer.

**1.8—Election of the Senate Secretary**

(1) The Senate shall elect a Secretary to serve at its pleasure. A staff of assistants shall be employed to regularly transact such business as required by law, by Senate Rules, or as assigned by the President. The Secretary shall take an oath to support the *Constitution of the United States* and the *Constitution of the State of Florida*, and for the true and faithful discharge of the duties of office.

*See* FLA. CONST. art. II, s. 5(b) Public officers.
*See* FLA. CONST. art. III, s. 2 Members; officers.

(2) The Secretary shall be under the supervision of the President, who may assign additional duties to the Secretary. In the event of a vacancy in the position of Secretary, the President may appoint someone to perform the duties of the office until the Senate, by its vote, fills the vacancy.

(3) The Secretary shall be the Senate enrolling and engrossing clerk and may designate staff to assist with the duties of the office.

**1.9—Duties of the Secretary at organization session**

If the President and the President Pro Tempore of the preceding session are absent or are no longer members, the Secretary shall, at the organization session of the Legislature, call the Senate to order. Pending the election of a President or a President Pro Tempore, the Secretary shall preserve order and decorum, and decide all questions of order subject to appeal by any Senator. The duties prescribed by this section may be delegated by the Secretary to any Senator or to the immediate past President or immediate past President Pro Tempore.

**1.10—Duties of the Secretary generally; keeps Journal**

(1) The Secretary shall keep a correct daily Journal of Senate proceedings. The Journal shall be numbered serially from the first (1st) day of each session of the Legislature and shall be made available by the Secretary for the information of the Legislature and the public.

(2) The Secretary shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials.

(3) The Secretary shall keep under seal a separate Journal of the proceedings of the executive sessions of the Senate.

(4) The Secretary shall not permit any official records or papers belonging to the Senate to be removed from the custody of the Secretary other than in the regular course of business and with proper receipt.

**1.11—The Secretary prepares daily calendar**

(1) The Secretary shall prepare a daily calendar that shall set forth:

(a) The order of business;
(b) The committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute;
(c) The status of each bill, i.e., whether on second (2nd) reading or third (3rd) reading;
(d) Notices of committee meetings; and
(e) Notices of meetings required pursuant to Rule 1.45.

(2) The Secretary shall publish the daily calendar for the information of the Legislature and the public.

*See* Rule 1.45—Written notice required for certain meetings.

**1.12—The Secretary reads papers; calls roll; records votes**

The Secretary shall have read to the Senate all papers ordered to be read; note responses of Senators when the roll is called to determine the presence of a quorum; call the roll verbally or by electronic roll call and record the votes when a question is taken by yeas and nays; and assist, under the direction of the President, in taking the count when any Senate vote is taken by a show of hands or otherwise.

*See* Rule 5.1—Taking the yeas and nays; objection to voting conflicts.

**1.13—The Secretary attests to warrants, subpoenas, and the passage of all measures**

The Secretary shall attest to all writs, warrants, and subpoenas issued by order of the Senate and shall attest to the passage of all bills, resolutions, and memorials.

*See* FLA. CONST. art. III, s. 7 Passage of bills.

**1.14—The Secretary prepares forms**

The Secretary shall prepare all forms used by the Senate.

**1.15—The Secretary examines legal form of bills for introduction and reference**

(1) Before issuing a bill number, the Secretary shall examine measures on their tender for introduction and shall determine whether they meet the requirements of law and of these Rules. The Secretary shall direct the attention of the introducer to apparent defects, but the introducer shall be exclusively responsible for the constitutional and legal correctness of the bill.

(2) The review of a bill that appears to be local in nature shall be performed by the Secretary to determine whether such measure is local in nature for reference purposes and whether it responds to the legal requirements of a local bill.

(3) A bill is local in nature for referencing purposes if it does not substantially alter a law of general application throughout the state and it either affects no more than one (1) county or relates to a special district that is located wholly within no more than two (2) counties.

(4) When the Secretary, through staff review, has determined that the bill is not local in nature for referencing purposes, the Secretary shall report such determination to the President, who shall refer such bill to an appropriate standing committee for hearing. Such report shall be made within fifteen (15) days from date of receipt by the Secretary. When the Secretary, through staff review, has determined that a bill is local in nature for referencing purposes and that it responds to the legal requirements of a local bill, the bill shall be available for the calendar on local bills notwithstanding Rule 4.31.

*See* Rule 3.1—Form of bills.
*See* Rule 3.7—Bill filing deadline during regular session; bill filing between regular sessions; exceptions.

**1.16—The Secretary supervises information technology operations; indexes bills**

The Secretary shall supervise Senate information technology operations and maintain a numerical index of bills and a cumulative index by introducers.

**1.17—The Secretary transmits bills to the House of Representatives**

Unless otherwise directed by the President, the Secretary shall transmit all bills, joint resolutions, concurrent resolutions, and appropriate memorials to the House of Representatives without delay. Each measure shall be accompanied by a message stating the title to the measure being transmitted and requesting the concurrence of the House.

*See* Rule 6.8—Reconsideration; Secretary to hold for period.

**1.18—The Secretary receives and delivers for reading messages from the House of Representatives; summaries of House amendments to Senate bills**

(1) The Secretary shall receive all messages from the House of Representatives and shall be responsible for their security. The Secretary shall have them available for reading to the Senate during the appropriate order of business.

(2) All messages reflecting House amendments to Senate bills shall be reviewed by the appropriate committees for research and summary. Special notice of the summaries shall be made available to each Senator.

(3) The President shall be informed by the Chair of the Rules Committee when a House amendment to a Senate bill substantially changes or materially alters the bill as passed by the Senate. The President may refer such bill and House amendments to an appropriate committee or committees for hearing and further report to the Senate. Upon such reference by the President, committee or committees of reference shall meet on a date and at a time set by the President and shall make a report to the Senate recommending action on the relevant House amendments. The report may be received when the message is reached under Messages from the House of Representatives.

**PART TWO—SENATORS**

**1.20—Attendance, voting, and disclosure of conflicts**

(1) Unless excused for just cause or necessarily prevented, every Senator shall be within the Senate Chamber during its sittings and in attendance at all assigned committee meetings.

(2) A Senator who is in the Chamber or in a committee meeting shall vote on each question, except as provided in Rule 1.6.

(3) However, a Senator shall abstain from voting if, in the Senator's judgment, a vote on a question would constitute a conflict of interest as defined in Rule 1.39. A Senator who abstains from voting shall file the disclosure required by Rule 1.39.

*See* Rule 1.39—Disclosure of conflict of interest and prohibition on voting thereon.
*See* Rule 2.27—Members' attendance, voting; proxy and poll votes prohibited.
*See* Rule 2.28—Taking the vote; post-meeting record of missed vote.

**1.21—Excused absence**

The President may excuse a Senator from attending a sitting of the Senate or any meetings of Senate committees for any stated period. An excused absence from a sitting of the Senate shall be noted in the Journal.

**1.22—Senate papers left with Secretary**

A Senator necessarily absent from a sitting of the Senate or meeting of its committees and having in his or her possession official papers relating to Senate business shall leave such papers with the Secretary before leaving the Capitol.

**1.23—Senators deemed present unless excused**

A Senator who answers the quorum roll call at the opening of a sitting or who enters after such roll call and announces his or her presence to the Senate shall thereafter be considered present unless excused by the President.

*See* Rule 4.2—Quorum.

**1.24—Contested seat**

If a Senate seat is contested, notice stating the grounds of such contest shall be delivered by the contestant to the Senate Secretary prior to the day of the organization session of the Legislature; and the contest shall be determined by **majority vote** as soon as reasonably possible. The President shall appoint a Credentials Committee to be composed of not more than ten (10) members who shall consider the question and report their recommendations to the President, who shall inform the Senate. If a Credentials Committee submits its final report and recommendations to the President when the Legislature is not in session, the President may convene the Senate independently for the sole purpose of deciding a seating contest.

*See* Rule 1.7—The President's absence from the chair; duties of President Pro Tempore.

**1.25—Facilities for Senators**

Each Senator shall be entitled to facilities and expenses that are necessary and expedient to the fulfillment of the duties of the office, the location and sufficiency of which shall be determined by the President.

**1.26—Nonlegislative activities; approval of the President**

No Senator shall accept appointments to nonlegislative committees, commissions, or task forces without prior approval of the President if travel and per diem expenses are to be taken from Senate funds.

**PART THREE—SENATE EMPLOYEES**

**1.28—Dismissal of employees; employment of a spouse or immediate relative**

(1) The President shall resolve disputes involving the competency or decorum of a Senate employee, and may terminate the services of an employee. At the President's discretion, the issue may be referred to the Rules Committee for its recommendation. The pay of an employee so terminated shall stop on the termination date.

(2) A Senator's spouse or immediate relatives may serve in any authorized position. However, they shall not receive compensation for services performed, except as a participant in the Florida Senate Page Program.

**1.29—Employees forbidden to lobby**

No employee of the Senate shall directly or indirectly interest or concern himself or herself with the passage or consideration of any matter whatsoever. Violation of this Rule by an employee shall be grounds for summary dismissal. This Rule shall not preclude the performance of duties that may be properly delegated to a Senator's legislative assistant.

**1.30—Duties and hours**

Employees shall perform the duties assigned to them by the President and required of them by Rule and policy of the Senate. When the Senate is in session, employees shall remain on duty as required. When the Senate is not in session, permanent staff of the Senate shall observe the hours of employment set by the President. Part-time employees and Senators' district staff shall observe hours that are prescribed by their respective department head or Senator.

**1.31—Absence without permission**

If employees are absent without prior permission, except for just cause, their employment shall be terminated or their compensation forfeited for the period of absence as determined by the President.

**1.32—Employee political activity**

The political activity of Senate employees shall be regulated pursuant to Senate Administrative Policies and Procedures promulgated by the President.

**PART FOUR—LEGISLATIVE CONDUCT AND ETHICS**

**1.35—Legislative conduct; the public trust**

Every Senator shall conduct himself or herself in a manner that promotes respect for the law, upholds the honor, integrity, and independence of the Senate, and justifies the confidence placed in him or her by the people.

(1) By personal example and admonition to his or her colleagues, every Senator shall avoid unethical or illegal conduct.

(2) Every Senator shall maintain his or her offices and the Senate generally as safe professional environments that are free from unlawful employment discrimination, including but not limited to harassment or retaliation.

**1.36—Improper influence**

A Senator shall not accept anything that will improperly influence his or her official act, decision, or vote.

**1.361—Solicitation or acceptance of contributions; registration and disclosure requirements**

(1) During any regular legislative session, extended session, or special session, a Senator may not directly or indirectly solicit, cause to be solicited, or accept any contribution on behalf of either the Senator's own campaign, any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, any political committee, any political party, or the campaign of any candidate for the Senate; however, a Senator may contribute to his or her own campaign.

(2) Any fundraising activity otherwise prohibited during an extended or special session by subsection (1) shall not be considered a violation of this Rule and may take place provided that it can be shown that the event was already scheduled prior to the issuance of the proclamation, resolution, or other communiqué extending the session or convening a special session.

(3) Any Senator who directly or indirectly solicits, causes to be solicited, or accepts any contribution on behalf of any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, or any political committee must immediately disclose such activity to, and register with, the Rules Committee. However, no registration is required as a result of a Senator's solicitation or acceptance of contributions on behalf of his or her own campaign, a campaign for any other office, or a political party. A Senator shall promptly create a public website that contains a mission statement for such organization, the names of the Senators associated with that organization, and disclosure of contributions received by and expenditures made by the organization.

(4) Upon a determination that a Senator has violated this Rule, the President may refer the question of disciplinary action to the Rules Committee for a recommendation. Upon receipt of the Rules Committee recommendation, the President shall decide upon appropriate action.

**1.37—Conflicting employment**

A Senator shall not allow his or her personal employment to impair his or her independence of judgment in the exercise of his or her official duties.

**1.38—Undue influence**

A Senator shall not use his or her influence as a Senator in any issue that involves substantial conflict between his or her personal interest and his or her duties in the public interest.

**1.39—Disclosure of conflict of interest and prohibition on voting thereon**

(1) Abstention on matters of special private gain or loss.—A Senator may not vote on any matter that the Senator knows would inure to the special private gain or loss of the Senator. The Senator must disclose the nature of the interest in the matter from which the Senator is required to abstain.

(2) Disclosure on matters of special private gain or loss to family or principals.—When voting on any matter that the Senator knows would inure to the special private gain or loss of:

(a) 1. Any principal by whom the Senator or the Senator's spouse, parent, or child is retained or employed;
2. Any parent organization or subsidiary of a corporate principal by which the Senator is retained or employed; or
3. An immediate family member or business associate of the Senator,

the Senator must disclose the nature of the interest of such person in the outcome of the vote.

(b) For the purpose of this Rule, the term:
1. "Immediate family member" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.
2. "Business associate" means any person or entity engaged in or carrying on a business enterprise with the Senator as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property.

(3) Methods of disclosure.—If the vote is taken on the floor, disclosure under this Rule or under any related law shall be accomplished by filing with the Secretary a memorandum the substance of which shall be printed in the Journal. If the vote is taken in a committee or subcommittee, the memorandum shall be filed with the committee or subcommittee administrative assistant, who shall file such memorandum in the committee or subcommittee files and with the Secretary. A Senator shall make every reasonable effort to file a memorandum pursuant to this Rule prior to the vote. If it is not possible to file the memorandum prior to the vote, then the memorandum must be filed

immediately but not more than fifteen (15) days after the vote. The Secretary shall also make all memoranda filed pursuant to this Rule available online.

(4) Exception.—Notwithstanding this Rule, a Senator may vote on the General Appropriations Act or related implementing legislation without providing any disclosure. However, a Senator must follow the provisions of this Rule when specific appropriations or amendments are considered for inclusion in the General Appropriations Act or related implementing legislation.

*See* Rule 1.20—Attendance, voting, and disclosure of conflicts.

**1.40—Ethics and conduct training**

Prior to the opening day of a regular session in odd-numbered years, all Senators shall complete a course of at least four (4) hours in length which addresses the requirements of law under the Code of Ethics for Public Officers and Employees, open meetings, public records, and any other subject approved by the President. Prior to the opening day of every regular session, all Senators shall complete a course of at least one (1) hour in length which addresses workplace harassment, sexual harassment, sensitivity, and the proper handling of such issues in the workplace. Senators filling a vacant seat at a special election after opening day shall complete the course within fourteen (14) days of election.

**1.41—Senate employees and conflicts**

Senate employees shall conduct themselves consistent with the intent of these Rules regulating legislative conduct and ethics.

**1.42—Advisory opinions**

Questions from Senators relating to the interpretation and enforcement of Rules regulating legislative conduct and ethics shall be referred to the Senate General Counsel. A Senator may submit a factual situation to the Senate General Counsel with a request for an advisory opinion establishing the standard of public duty. The Senate General Counsel shall enter an opinion responding to each inquiry on which a Senator may reasonably rely. No opinion shall identify the requesting Senator without the Senator's consent.

**1.43—Violations; investigations, penalties**

(1) Any person may file a sworn complaint with the Rules Chair, or the President when the complaint is against the Rules Chair, alleging a violation by a Senator of the Rules regulating legislative conduct and ethics. The complainant shall also file a copy of the sworn complaint with the Senate General Counsel.

The complaint shall be based on personal knowledge, shall state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, shall attach all documentation on which the complaint is based, and shall identify the specific Rule alleged by the complainant to have been violated by the Senator.

*See* Rule 1.48(8)(b)—Legislative records.

(a) Upon a determination by the Rules Chair, or the President when the complaint is against the Rules Chair, that the complaint fails to state facts supporting a finding of a violation of the Senate Rules, the complaint shall be dismissed.

(b) Upon a determination by the Rules Chair, or the President when the complaint is against the Rules Chair, that the complaint states facts that, if true, would be a violation of the Senate Rules, the complaint shall be referred to a special master or select committee to determine probable cause. If a select committee is appointed, it shall be comprised of an odd number of members.

1. The special master or select committee shall give reasonable notice to the Senator who is alleged to have violated the Rules, shall conduct an investigation, and shall grant the Senator an opportunity to be heard. A report and recommendation shall then be prepared.
2. The report and recommendation is advisory only and shall be presented to the Rules Chair and the President as soon as practicable after the close of the investigation.
3. If the report and recommendation conclude that the facts do not support a finding of probable cause, the complaint shall be dismissed by the Rules Chair, or the President when the complaint is against the Rules Chair.
4. If the complaint is not dismissed, another select committee will be appointed and shall consider the report and recommendation, shall grant the Senator an opportunity to be heard, and shall develop its own recommendation.
5. If the select committee votes to dismiss the complaint, the chair shall dismiss the complaint.
6. Otherwise, the report and recommendation and the recommendation of the select committee shall be presented to the President.
7. The President shall present the committee's recommendation, along with the report and recommendation, to the Senate for final action.

(c) The Rules Chair, or the President when the complaint is against the Rules Chair, shall act within thirty (30) days of receipt of a complaint, unless a concurrent jurisdiction is conducting an investigation, in which case a decision may be deferred until such investigation is complete.

(d) Nothing in this Rule prohibits a Rules Chair, or the President when the complaint is against the Rules Chair, from allowing a Senator to correct or prevent an inadvertent, technical, or otherwise *de minimis* violation by informal means.

(e) Nothing in this Rule prohibits the Rules Chair, a select committee appointed pursuant to this Rule, or the President when the complaint is against the Rules Chair, from recommending a consent decree if agreed to by the Senator. The decree shall state findings of fact and set forth an appropriate penalty. If the Senate accepts the consent decree, the complaint shall be deemed resolved.

(2) Separately from any prosecutions or penalties otherwise provided by law, a Senator determined to have violated the requirements of the Rules regulating legislative conduct and ethics may be admonished, censured, reprimanded, or expelled. Such determination and disciplinary action shall be taken by a **two-thirds (2/3) vote** of the Senate.

(3) Because they may be asked to sit in judgment on an alleged violation of a Senate Rule, Senators should refrain from speaking publicly about the merits or substance of any such complaint.

*See* FLA. CONST. art. III, s. 4(d) Quorum and procedure.

**PART FIVE—PUBLIC MEETINGS AND RECORDS**

**1.44—Open meetings**

(1) All meetings at which legislative business is discussed between more than two (2) members of the Legislature shall be open to the public except:

(a) At the sole discretion of the President:
1. After consultation with appropriate law enforcement, public health, emergency management, or security authorities, those portions of meetings of a select committee, ad hoc committee, committee, or subcommittee concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, or
2. For protection of a witness as required by law.

(b) Discussions on the floor while the Senate is sitting and discussions among Senators in a committee room during committee meetings shall be deemed to comply with this Rule.

*See* FLA. CONST. art. III, s. 4(e) Quorum and procedure.

(2) All meetings shall be subject to appropriate order and decorum at the discretion of the person conducting the meeting.

(3) For purposes of this Rule, "legislative business" is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate committee, or a Senate subcommittee.

**1.45—Written notice required for certain meetings**

(1) A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary. While the Legislature is not in regular or special session and during the first fifty (50) days of a regular session, the notice shall be filed at least four (4) hours before the scheduled time of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed at least two (2) hours before the scheduled time of the meeting:

(a) Meetings of the President (or a Senator designated to represent the President) with the Governor or with the Speaker (or a Representative designated to represent the Speaker);
(b) Meetings of a **majority** of the Senators who constitute the membership of any Senate committee or subcommittee; and
(c) Meetings called by the President or the President's designee of a **majority** of the chairs of the Senate's standing committees.

*See* FLA. CONST. art. III, s. 4(e) Quorum and procedure.

(2) Notices of meetings required by Rule 1.45(1) shall be filed by or at the direction of the person at whose call the meeting is convened; shall state the date, time, and place of the meeting; shall contain a brief description of the general subject matter scheduled to be discussed. In the case of a meeting required to be noticed pursuant to this Rule, if the meeting is to take place at or after 10:00 p.m., then the notice must be delivered to the Secretary by 5:00 p.m. Notices of such meetings shall appear in the daily calendar.

(3) In the event the times required for notice under Rule 1.45(1) are not sufficient to permit publication in a daily or interim calendar, the Secretary shall publish on the Senate website and post on the Senate side of the fourth (4th) floor Capitol rotunda. The Secretary shall make a diligent effort to give actual notice to members of the media of all noncalendared meeting notices.

(4) Political caucuses shall be open to the public in accordance with Rule 1.44 and noticed in accordance with this Rule when legislative business then pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate committee, or a Senate subcommittee are discussed. Political caucuses held for the sole purpose of designating a President, a President Pro Tempore, a Minority Leader, or a Minority Leader Pro Tempore need not be open or noticed.

**1.46—Constitutional requirements concerning open meetings**

(1) All legislative committee and subcommittee meetings and joint conference committee meetings shall be open and noticed to the public.

(2) All prearranged gatherings between more than two (2) members of the Legislature, or between the Governor, the President, or the Speaker, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments shall be reasonably open to the public.

(3) In the event of conflict between this Rule and any other Senate Rule, the Rule providing greater notice or public access shall prevail.

*See* Rule 2.13—Open meetings.
*See* FLA. CONST. art. III, s. 4(e) Quorum and procedure.

**1.47—Reapportionment information**

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information promulgated by, maintained by, or available to any Senate standing committee or subcommittee appointed for the analysis of legislative and congressional redistricting plans.

**1.48—Legislative records; maintenance, control, destruction, disposal, fee for copies, and disposition**

(1) Public records, not exempted from public disclosure, may be inspected by any person desiring to do so at reasonable times, under reasonable conditions, and under supervision of the person who has custody of the records, or that person's designee.

*See* FLA. CONST. art. I, s. 24(a) Access to public records and meetings.

(2) The following standing committee, standing subcommittee, ad hoc committee, and select committee public records, not exempted from public disclosure, shall be retained electronically by each staff director until transferred by the Secretary to the Division of Library and Information Services of the Department of State via its Legislative Library Division: copies of bills, amendments, vote sheets, bill analyses, and fiscal notes; meeting files including agendas and appearance cards; files relating to assigned projects; final staff reports submitted to subcommittees or committees; final reports submitted by subcommittees or committees; correspondence sent or received; and audio recordings of committee meetings. At the time of transfer, the actual correspondence to be sent to the Department of State shall consist only of correspondence which relates to other committee public records required by this Rule to be transferred. Records not transferred may be otherwise disposed of or destroyed.

(3) Except for records specifically required by law or Senate Rule to be filed or retained, district office records and constituents' records may be retained by the district office until those records become obsolete, at which point they may be otherwise disposed of or destroyed.

(4) Public records, not exempted from public disclosure, created or received by the President, President Pro Tempore, or Secretary shall be retained by that officer as specifically required by law or Senate Rule until transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division. Records not transferred may be otherwise disposed of or destroyed.

(5) The Secretary shall, with the approval of the President, establish a reasonable fee for copies of public legislative records not exempted from public disclosure. Such fees shall be based upon the actual cost of duplication of the record and shall include the material and supplies used to duplicate the record but not the labor cost or overhead cost associated with such duplication. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by employees of the Senate, a special service charge in addition to the actual cost of duplication may be imposed. Such special service charge shall be reasonable and based on the cost incurred for the extensive use of information technology resources or the labor cost of employees providing the service that is actually incurred by the Senate or attributable to the Senate for the clerical and supervisory assistance required.

(6) Once the retention period for a public record, not exempted from public disclosure, has expired, the public record may be otherwise disposed of or destroyed. A public record need not be retained if it is published or retained by another legislative office. Only one (1) copy of a public record need be retained; additional copies of that record may be destroyed at any time. In the case of mass mailings, only one (1) sample copy of the mailing, or an abstract, need be retained.

(7) For the purpose of this Rule, a Senator's district office shall include the offices each Senator retains for the transaction of official legislative business in his or her respective district and the assigned offices located in the Senate Building or the Capitol in Tallahassee.

(8) The following public records are exempt from inspection and copying:

(a) Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, *Florida Statutes*, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), *Florida Statutes*, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.
(b) A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the

complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.

*See* Rule 1.43—Violations; investigations, penalties.

(c) A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

(d) A draft of a report, bill analysis, fiscal note, report prepared by a contract employee or consultant retained by the Legislature or the Senate and materials in support thereof until the draft is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

(e) A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.

(f) Records prepared for or used in executive sessions of the Senate until ten (10) years after the date on which the executive session was held.

(g) Portions of records of former legislative investigating committees whose records are sealed or confidential as of June 30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained in the committees' records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.

(h) Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.

(i) Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

(9) Any Senate record created prior to July 1, 1993, which was so designated by the President on June 30, 1993, shall remain exempt from inspection and copying after July 1, 1993. Records held by joint committees, commissions or offices of the Legislature, that were jointly determined by the presiding officers of both houses to remain exempt from inspection and copying after July 1, 1993, remain exempt.

(10) For purposes of this Rule, "public record" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the legislative branch.

(11) All records, research, information, remarks, and staff work products, made or received during or in preparation for a closed meeting of a select committee, committee, or subcommittee, shall be confidential and exempt from inspection and copying for a period of thirty (30) days after the closed meeting, at which time they will automatically become legislative public records open to inspection and copying, unless the confidentiality and the prohibition against inspection and copying has, within the thirty-day (30) period, been extended by the President. Unless the above-listed confidential and exempt items have been earlier released by operation of this Rule, they shall automatically become available for public inspection and copying five (5) years after the date of the closed meeting, unless this confidentiality and exemption is further extended by the President for subsequent five-year (5) periods.

**1.49—Violations of Rules on open meetings and notice**

Violations of Rules 1.44 and 1.45 constitute violations of the Rules regulating legislative conduct and ethics and shall be subject to the procedures and penalties prescribed in Rule 1.43.

*See* Rule 1.43—Violations; investigations, penalties.

## RULE TWO

COMMITTEES, OFFICERS, MEMBERS,
VOTING, MOTIONS, DECORUM, AND DEBATE

### PART ONE—COMMITTEES—ORGANIZATION, DUTIES, AND RESPONSIBILITIES

**2.1—Standing committees; standing subcommittees; select subcommittees**

(1) The following standing committees with standing subcommittees are created:

(a) Agriculture
(b) Appropriations
(c) Appropriations Committee on Agriculture, Environment, and General Government
(d) Appropriations Committee on Criminal and Civil Justice
(e) Appropriations Committee on Education
(f) Appropriations Committee on Health and Human Services
(g) Appropriations Committee on Transportation, Tourism, and Economic Development
(h) Banking and Insurance
(i) Children, Families, and Elder Affairs
(j) Commerce and Tourism
(k) Community Affairs
(l) Criminal Justice
(m) Education Postsecondary
(n) Education Pre-K - 12
(o) Environment and Natural Resources
(p) Ethics and Elections
(q) Finance and Tax
(r) Fiscal Policy
(s) Governmental Oversight and Accountability
(t) Health Policy
(u) Judiciary
(v) Military and Veterans Affairs, Space, and Domestic Security
(w) Reapportionment
(x) Regulated Industries
(y) Rules
(z) Transportation

(2) Permanent standing committees and standing subcommittees, when created and designated by Senate Rule, shall exist and operate both during and between sessions. The President is authorized to create and designate permanent standing committees and standing subcommittees prior to the 2023 Regular Session. The President shall inform the Minority Leader of the creation and designation of said committees. The Secretary of the Senate is directed to include the names of such committees in the published Senate Rules.

*See* Rule 1.5—The President's appointment of committees.

(3) No standing committee shall consist of fewer than five (5) members.

(4) A select subcommittee may be appointed by a standing committee or the chair thereof, with prior approval of the President.

(a) A select subcommittee may study or investigate a specific issue falling within the jurisdiction of the standing committee.
(b) The President and the Secretary shall be promptly notified of the appointment of a select subcommittee, its assign-

ment, and the time allowed for the assignment, and shall be notified on completion of the assignment.

(c) Select subcommittees shall be governed by the Rules regulating standing subcommittees, except that a select subcommittee shall exist only for the time necessary to complete its assignment or thirty (30) days, whichever is less, unless extended by the President.

(d) The advisory report by a select subcommittee whether favorable or unfavorable shall be reviewed by the standing committee and accepted, amended, or rejected by **majority vote** of those committee members present.

**2.2—Powers and responsibilities of committees**

(1) Permanent standing committees and standing subcommittees are authorized:

(a) To maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area;

(b) To invite public officials, employees, and private individuals to appear before the committees or subcommittees to submit information;

(c) To request reports from departments performing functions reasonably related to the committees' jurisdictions; and

(d) To complete the interim work assigned by the President.

(2) In order to carry out its duties, each standing committee or standing subcommittee has the reasonable right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any public agency in this state.

(3) In order to carry out the committee's duties, the chair of each standing committee, standing subcommittee, and select committee may request the President to issue subpoenas, subpoenas *duces tecum*, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by such committee. The President may issue said process at the request of the committee chair. Any member of a standing committee, standing subcommittee, or select committee may administer all oaths and affirmations, in the manner prescribed by law, to witnesses who appear before such committees to testify in any matter requiring evidence.

**2.4—Committee staffing**

A committee shall be staffed with personnel, subject to guidelines and criteria authorized by the President. The staff shall also be subject to the pay and classification code of the Senate. The President may authorize joint utilization of personnel with the House of Representatives and may authorize the Senate to share in the cost.

**2.6—Committee meeting notices; regular session and interim; day fifty (50) rule**

(1) Senate committees shall submit a notice of meetings (including site visits and public hearings) as provided herein. Reference to committee meeting notices in these Rules shall include all standing committees, standing subcommittees, select committees, select subcommittees, and such other committees or subcommittees as may be created by the Senate.

(2) Committee meeting notices shall include the date, time, amendment deadline, and place of the meeting together with the name of the introducer, subject, and number of each bill to be taken up and other subjects to be considered.

(3) Notice of committee meetings shall be published in the daily calendar. No committee shall consider any bill during the first fifty (50) days of a regular session until proper notice has been published in three (3) weekday calendars, including the calendar published on the day of such committee meeting.

(4) If a weekend meeting is scheduled, notice of such meeting shall appear in three (3) daily calendars, including those published on the weekend days on which the meeting is held. However, a calendar published on a weekend shall not be included in the calculation of publication days for meetings taking place on Monday through Friday.

(5) Calendars published on the Friday and Monday immediately preceding the opening day of a regular session may be included in the calculation of the three-day (3) notice requirement for meetings held on the first (1st) and second (2nd) days of a regular session.

(6) After day fifty (50) of a regular session, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.10 may be held following an announcement by the chair of the committee or subcommittee or, in the chair's absence, the vice chair while the Senate is sitting. Notice shall be published on the Senate website and posted on the Senate side of the fourth (4th) floor Capitol rotunda four (4) hours in advance of the meeting. A committee meeting announced during a sitting may occur four (4) hours after notice of the meeting has been published on the Senate website and posted on the Senate side of the fourth (4th) floor Capitol rotunda. Such notices may be posted in advance of the oral announcement during the sitting.

(7) When the Legislature is not in session, committee meeting notices shall be filed with the Secretary at least seven (7) days prior to the meeting. The Secretary shall make the notice available to the membership and the public.

*See* Rule 2.9—Committee meetings; committee meetings after fiftieth (50th) day.

**2.7—Bills recommitted for failure to provide proper notice**

(1) A bill reported by a standing committee without proper notice shall be recommitted to the committee reporting the same on the point of order being made within two (2) sittings after such report is printed in the Journal, or the President may recommit such bill at any time. Once recommitted, the bill is available for consideration by the committee as if it had never been reported.

*See* FLA. CONST. art. III, s. 4(e) Quorum and procedure.

(2) A bill reported by a standing subcommittee without proper notice shall be recommitted to the subcommittee reporting same on the point of order made during the standing committee meeting at which the bill was reported by the subcommittee. Once recommitted, the bill is available for consideration by the subcommittee as if it had never been reported.

**2.8—Filing and publication of meeting notices**

For publication in the daily calendar, notice of committee meetings shall be delivered to the Secretary's office in writing by 2:30 p.m. on the day preceding its intended publication.

**2.9—Committee meetings; committee meetings after fiftieth (50th) day**

(1) Each standing committee, standing subcommittee, and select committee shall consider the public business assigned to it as expeditiously as possible and proper.

(2) Unless approved by the President, no committee shall meet after the fiftieth (50th) day of a regular session except the Rules Committee.

**2.10—Committee meeting schedules; time limits on meetings**

(1) The President shall provide a schedule of days, hours, and places for the meeting of committees for the regular session and during the interim, and deliver a copy of same to each Senator. However, no committee shall meet before 7:00 a.m. or meet or continue to meet after 6:00 p.m.

(2) Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the President. Notice of such assignment shall be published on the Senate website and posted on the Senate side of the fourth (4th) floor Capitol rotunda. However, the President may authorize a committee or subcommittee to continue the meeting on the same day at a time and place determined by the President. The President may further authorize the meeting to go beyond 6:00 p.m. notwithstanding subsection (1).

(3) No committee except the Rules Committee shall meet while the Senate is sitting without the consent of the **majority** of the Senate present.

**2.11—Presentation of bills introduced by Senators before committees; staff presentation of committee bills**

(1) The introducer of a bill shall attend the meeting of the committee or subcommittee before which such bill is noticed as provided in these Rules. The introducer or the first- or second-named co-introducer may present a bill; however, with prior written request of the introducer to the chair, a member of the committee or subcommittee may present a bill.

(2) Senate committee professional staff shall be limited to presenting committee bills at meetings of the committee introducing the bill.

**2.12—Order of consideration of bills; exception**

Bills shall be considered in the order appearing in the notice required by these Rules, except that the chair may take up a bill out of its order to accommodate the presence of a Senator or Representative who is the introducer thereof.

**2.13—Open meetings**

Except as otherwise provided in these Rules, all committee meetings shall be open to the public, subject always to the powers and authority of the chair to maintain order and decorum.

*See* Rule 1.44—Open meetings.
*See* FLA. CONST. art. III, s. 4(e) Quorum and procedure.

**2.15—Standing committee reports; committee substitutes**

(1) If reporting a matter referred to it, a standing committee shall report the matter either:

(a) Favorably,
(b) Favorably with committee amendment,
(c) Favorably with committee substitute as defined in these Rules, or
(d) Unfavorably.

The vote of the members present of a standing committee or subcommittee on final passage of any measure shall be recorded. Upon the request of any two (2) members of a committee or subcommittee, the vote on any other matter or motion properly before the committee shall be recorded. After such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except by a **two-thirds (2/3) vote** of those Senators present at a sitting or except as provided in Rule 2.7, Rule 4.7(2), or Rule 4.8(4).

*See* FLA. CONST. art. III, s. 4(c) Quorum and procedure.

(2) Such reports shall also reflect:

(a) The date, time, and place of the meeting at which the action was taken, and
(b) The vote of each member present of the committee on final passage of each bill.

*See* FLA. CONST. art. III, s. 4(c) Quorum and procedure.

The Secretary shall enter in the Journal the recommended action of the committee on each bill reported, but shall not include that portion of the report relating to the date, time, and place of the meeting or the vote of each member on final passage of a measure. Reports of committees shall be preserved pursuant to law.

(3) In reporting a Senate measure, a standing committee may draft a new measure embracing the same or related subject matter to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure. If one or more amendments are adopted, a measure shall, without motion, be reported as a committee substitute unless the committee by **majority vote** decides otherwise.

(a) The substitute measure must be accompanied by the original measure referred to the committee and returned to the Secretary in the same manner as a favorable report.
(b) No other standing committee of reference shall consider the original measure but shall direct its attention to the substitute measure.
(c) A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from doing so with the substance of the bill as originally introduced.
(d) When reported, the substitute shall be read a first (1st) time by title, the original proposition shall be automatically tabled, and the substitute considered in lieu thereof without motion. The substitute shall carry the identifying number of the original and shall be returned to the Secretary in the same number of copies required for first (1st) introduction of a similar measure.
(e) The names of the introducer and each co-introducer of the original measure shall be shown by the committee administrative assistant on the committee substitute unless an introducer or co-introducer requests that it be omitted.
(f) A Senate committee may not recommend a Senate committee substitute for a House bill.

(4) All standing committee reports shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the next day that is not a weekend or state holiday, except a committee drafting and recommending a committee substitute shall file such committee report no later than 4:30 p.m. on the second (2nd) such weekday. These reports must be accompanied by the original bill. Each report by a committee must set forth the identifying number of the bill. If amendments are proposed by the committee, the words "with amendments" shall follow the identifying number. Committee amendments shall be identified by barcode in the report. All bills reported unfavorably shall be laid on the table.

**2.16—Standing subcommittee reports**

(1) If reporting a matter referred to it, a standing subcommittee must report the matter directly to the standing committee, which shall promptly certify a copy of the report to the Secretary. The standing subcommittee shall report a matter either:

(a) Favorably,
(b) Favorably with committee amendment,
(c) Favorably with committee substitute as defined in these Rules, or
(d) Unfavorably.

(2) Such reports shall also reflect:

(a) The date, time, and place of the meeting at which the action was taken, and
(b) The vote of each member of the subcommittee on final passage of each bill.

*See* FLA. CONST. art. III, s. 4(c) Quorum and procedure.

(3) In reporting a bill to the standing committee, a standing subcommittee may draft a new measure, embracing the same or related subject matter, to be returned to the standing committee with the recommendation that the substitute be considered in lieu of the original measure. The substitute measure must be accompanied by the original measure referred to the standing subcommittee and returned to the standing committee in the same manner as a favorable report.

(4) All standing subcommittee reports shall be promptly transmitted to the standing committee. Each report by a standing subcommittee must set forth the identifying number of the measure. If amendments are proposed by the standing subcommittee, the words "with amendments" shall follow the identifying number. Standing subcommittee amendments shall accompany the report.

(5) All bills reported unfavorably by a subcommittee shall be laid on the table by roll call vote when the standing committee considers the standing subcommittee's report unless, on motion by any member adopted by a **two-thirds (2/3) vote** of those standing committee members present, the same report shall be rejected.

(6) When a subcommittee report is rejected by a standing committee, the bill shall receive a hearing *de novo* and witnesses shall be permitted to testify.

*See* FLA. CONST. art. III, s. 4(c) Quorum and procedure.

(7) When a bill with a favorable report by a standing subcommittee is considered by the standing committee, debate and further amendment by members of the standing committee shall be allowed prior to a vote on final passage.

**2.17—Quorum requirement**

(1) A standing committee, standing subcommittee, or select committee is assembled only when a quorum constituting a **majority** of the members of that committee is present in person.

(2) A committee member may question the presence of a quorum at any time.

(3) No committee business of any type shall be conducted in the absence of a quorum. Any matter reported in violation of this Rule shall be recommitted by the President when it is called to the President's attention by a Senator.

**2.19—Conference committee in deliberation; reports**

(1) All meetings of Senate conferees with House conferees at which the business of the conference committee is discussed shall be open to the public subject to proper order and decorum. A meeting of the Senate and House conferees is a meeting of the two (2) groups; therefore, the rules governing each respective house apply. Meetings between a **majority** of the members of a conference committee may be held following a notice being filed with the Secretary by or at the direction of the person calling the meeting, at least one (1) hour in advance of the meeting. The notice shall indicate the names of the conferees and scheduled participants, the date, the time, and the place of the meeting. Conference committees may meet at any time with proper notice.

*See* FLA. CONST. art. III, s. 4(e) Quorum and procedure.

(2) A conference committee, other than a conference committee on a general or special appropriations bill and its related legislation, shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

(3) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. Such amendments shall accompany the conference committee report. In any event, the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either house. Conference committee reports must be approved and signed by a **majority** of the conferees on the part of each house. All final actions taken in a conference committee shall be by motion.

(4) Each conference committee report shall contain a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(5) When the President appoints a conference committee, a notice of the following meetings to discuss matters relating to the conference, stating the names of the conferees and scheduled participants, and the date, time, and place for the meeting, shall be filed with the Secretary by or at the direction of the person at whose call the meeting is convened, not less than one (1) hour preceding the time for the meeting:

(a) Meetings between the President (or a Senator designated to represent the President), the Governor, and the Speaker (or a Representative designated to represent the Speaker);
(b) Meetings between a **majority** of the members of any subcommittee of the conference committee;
(c) Meetings between the President or any Senator designated to represent the President and a conferee from the House of Representatives, or any meeting between a conferee from the Senate with the Speaker or any Representative designated to represent the Speaker; and
(d) Meetings of a **majority** of the Senate conferees; and when the bill that is the subject of the conference committee deals primarily with the general appropriations act or revenue matters, any meeting of three (3) or more conferees on the part of the Senate.

*See* FLA. CONST. art. III, s. 4(e) Quorum and procedure.

(6) Notice of meetings, as scheduled, between the chair of the Senate's conferees with the chair of the House's conferees, or between respective Senate and House committee chairs with each other, shall be published on the Senate website and posted on the Senate side of the fourth (4th) floor Capitol rotunda. In the case of the appropriations conference, said notice shall also be posted outside the door of the offices of the appropriations committees.

(7) All meetings for which notice is required pursuant to this Rule shall be held in the Capitol Complex, but shall not be held in the Chamber of either house while it is sitting.

(8) When conferees on the part of the Senate report an inability to agree, any action of the Senate taken prior to such reference to a conference committee shall not preclude further action on the measure as the Senate may determine.

(9) After Senate conferees have been appointed for seven (7) calendar days and have failed to make a report, it is a motion of the highest privilege to move to discharge said conferees and to appoint new conferees, or to instruct said conferees. This motion shall have precedence over all other questions except motions to adjourn or recess and questions of privilege. Further, during the last six (6) calendar days allowed under the *State Constitution* for any regular session, it shall be a privileged motion to move to discharge, appoint, or instruct Senate conferees after the Senate conferees have been appointed thirty-six (36) hours without having made a report.

**PART TWO—COMMITTEES—OFFICERS**

**2.20—Appointment of chair and vice chair**

A chair and a vice chair of each standing committee shall be appointed by the President and shall continue in office at the pleasure of the President. The President shall also appoint a chair for each standing subcommittee and select committee authorized by these Rules and may designate a vice chair, both of whom shall continue in office at the pleasure of the President.

**2.21—Call to order**

The chair or, in the chair's absence, the vice chair, shall call the committee to order at the hour provided by these Rules. A quorum being present, the committee shall proceed with consideration of its agenda.

**2.22—Chair's control**

The chair shall preserve order and decorum and shall have general control of the committee room. If there is a disturbance or disorderly conduct in the committee room, the chair may require participants in the disturbance to clear the room.

**2.23—Chair's authority; appeals**

(1) The chair shall approve all notices, subpoenas, or reports required or permitted by these Rules.

(2) The chair shall decide all questions of order, subject to an appeal by any Senator, and the appeal shall be certified by the chair to the Senate for a decision by the President during its next sitting following such certification. If not in session, the President may make a ruling by letter. Rulings shall be entered in the Journal, shall constitute binding precedent on all committees of the Senate, and shall be subject to appeal as any other question; however, rulings by letter are subject to appeal at the first or second sitting of the next regular session.

(3) The proper method of taking exception to a ruling of the chair is by appeal. An appeal of a decision of the chair must be made promptly before debate has concluded or other business has intervened. A point of

order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; if the determination of the appeal is dependent on this point, it may be decided by the chair. This second (2nd) decision is also subject to appeal.

(4) An appeal of a decision of the chair on a point of order is debatable even though the question from which it arose was not debatable.

(5) The chair may, or on the vote of a **majority** of the committee members present shall, certify a question of parliamentary procedure to the President as contemplated by the Rule without a formal appeal. Such certified question shall be disposed of by the President as if it had been on appeal.

(6) Final action on an appeal or the certification of a procedural question pursuant to this Rule shall not constitute an automatic stay to further legislative action on the measure under consideration.

**2.24—Chair, vice chair; vote**

The chair and vice chair shall vote on all matters before such committee. The name of the chair shall be called last.

*See* Rule 1.39—Disclosure of conflict of interest and prohibition on voting thereon.

**2.25—Temporary alternate to chair**

The chair may name any member of the committee to perform the duties of the chair. This delegation shall not extend beyond adjournment of such meeting. If for any reason the chair is absent and fails to name a member, the vice chair shall assume the duties of the chair during the chair's absence.

**2.26—Vice chair's duties**

On the death, incapacitation, or resignation of the chair, the vice chair shall perform the duties of the office until the President appoints a successor. In the absence of the chair, the vice chair shall act as chair.

**PART THREE—COMMITTEES—MEMBERS**

**2.27—Members' attendance, voting; proxy and poll votes prohibited**

(1) Unless excused or necessarily prevented, every member of a committee shall be in attendance during each of its meetings.

(2) The chair may excuse any member for just cause from attendance at meetings of his or her committee for any stated period. This excused absence shall be noted on the committee's records.

(3) Failure to attend two (2) consecutive regular meetings, unless excused from attendance in the Senate on those days as provided in these Rules or by the chair of the committee, shall be reported to the President who may take appropriate action.

(4) No member of any committee shall be allowed to vote by proxy nor shall a vote be conducted by poll.

(5) A **majority** of all the committee members present shall agree by their votes on the disposition of any matter considered by the committee.

*See* Rule 11.4—Majority action.

**PART FOUR—COMMITTEES—VOTING**

**2.28—Taking the vote; post-meeting record of missed vote**

(1) The chair shall declare the result of all votes and shall cause same to be entered on the records of the committee, but if any member questions the declared result of a voice vote, then by a show of hands by two (2) members the chair shall count the yeas and nays. When the committee is equally divided, the question shall be lost.

*See* Rule 1.20—Attendance, voting, and disclosure of conflicts.
*See* FLA. CONST. art. III, s. 4(c) Quorum and procedure.

(2) A member may request to:

(a) Vote, or
(b) Change his or her vote

before the results of a roll call are announced.

(3) After the result of a vote has been announced, a member with unanimous consent of those committee members present may record a vote or change his or her vote. If the vote alters the final action of the committee, no vote or change of vote shall be permitted unless the matter has been reconsidered by the committee. On request of a member prior to consideration of other business, the chair shall order a verification of a vote.

(4) After a committee meeting, an absent Senator may file with the committee an indication of how he or she would have voted if present. Such filing is for information only and shall have no effect upon the committee's meeting report.

**2.29—Pair voting prohibited**

No pair voting shall be permitted in a committee.

**2.30—Casting vote for another**

No Senator shall cast a vote for another Senator, nor shall any person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, any Senator who shall vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, any person not a Senator who shall vote in the place of a Senator shall be excluded from the committee for the remainder of the session.

**2.31—Explanation of vote; deferring a vote prohibited**

No member shall be permitted to defer or explain his or her vote during a roll call, but may submit his or her explanation in writing and file it with the chair. This explanation shall be kept as part of the committee record and a copy filed with the Secretary.

**PART FIVE—COMMITTEES—MOTIONS AND PRECEDENCE**

**2.32—Motions; how made, withdrawn**

(1) Every procedural motion may be made orally. On request of the chair, a member shall submit his or her motion in writing.

(2) After a motion has been stated or read by the chair, it shall be deemed to be in possession of the committee without a second, and shall be disposed of by vote of the committee members present.

(3) The mover may withdraw a motion at any time before the same has been amended, or before a vote shall have commenced.

(4) The mover of a motion to reconsider may withdraw that motion only with the unanimous consent of those committee members present.

**2.33—Motions; precedence**

(1) When a question is under debate, the chair shall receive no motion except:

(a) To adjourn
(b) To take a recess
(c) To reconsider instanter passage of a main question
*See* Rule 2.35—Reconsideration generally.
(d) To reconsider
*See* Rule 2.35—Reconsideration generally.
(e) To limit debate or vote at a time certain
*See* Rule 2.50—Limitation on debate; vote at a time certain.
(f) To temporarily postpone
*See* Rule 6.11—Temporarily postpone.
(g) To amend
*See* Rule 2.39—Amendments, proposed committee substitutes, and proposed committee bills; form, deadlines, notice, manner of consideration; germanity.

which shall have precedence in the descending order given.

(2) The chair shall present all questions in the order in which they are moved unless the subsequent motion is of a higher precedence or a substitute of equal precedence.

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) substitute may be pending and the substitute shall be in the same order of precedence. If a substitute fails, another substitute of equal degree may be offered.

**2.34—Division of question**

A member may move for a division of a question when the sense will admit of it, which shall be decided by a **majority vote**. A motion to delete and insert shall be deemed indivisible; a motion to delete, being lost, shall neither preclude amendment nor a motion to delete and insert.

*See* Rule 6.3—Division of question.

**2.35—Reconsideration generally**

(1) When a question has been decided by a committee, any member voting with the prevailing side may move for reconsideration of the question.

(2) If a question has been decided by voice vote, any member may move for reconsideration, but such motion shall be out of order after the committee has moved on to other business.

*See* Rule 2.38—Reconsideration; collateral matters.

(3) A motion to reconsider final passage of a measure or the confirmation of an executive appointment may be made prior to or pending a motion to adjourn. It shall not be taken up or voted on when made but shall be a special and continuing order of business for the succeeding committee meeting. During such succeeding meeting, the mover of the original motion to reconsider may withdraw that motion by a **two-thirds (2/3) vote** of the members present. Unless taken up during such meeting, the motion to reconsider shall be considered abandoned.

(4) If the committee shall refuse to reconsider or, upon reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except upon unanimous consent of those committee members present.

*See* FLA. CONST. art. III, s. 4(c) Quorum and procedure.

(5) At the next succeeding meeting, the reconsideration of such motion may be made by any member prior to a motion to adjourn.

(6) During the last fourteen (14) days of a regular session, a motion to reconsider shall be made and taken up during the meeting at which the original vote was taken.

(7) A motion to reconsider instanter may be offered by a member voting on the prevailing side at the original meeting and shall be of a higher precedence than a motion to reconsider.

(a) If the motion to reconsider instanter is agreed to by a **two-thirds (2/3) vote** of the members present, it shall supersede a motion to reconsider and place the main question again before the committee for further consideration, amendment, and debate.
(b) If a motion to reconsider instanter is not agreed to, a motion to reconsider, if offered or pending as provided in subsection (3) of this Rule, shall be a special and continuing item on the committee agenda for the next meeting.

**2.36—Reconsideration; vote required**

The affirmative votes of a **majority** of the committee members present shall be required to adopt a motion to reconsider.

**2.37—Reconsideration; debate allowed**

Debate shall be allowed on a motion to reconsider only when the question proposed for reconsideration is debatable. When debate on a motion to reconsider is in order, no Senator shall speak thereon more than once nor longer than **five (5) minutes**.

**2.38—Reconsideration; collateral matters**

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the committee has passed to other business.

**PART SIX—COMMITTEES—AMENDMENTS**

**2.39—Amendments, proposed committee substitutes, and proposed committee bills; form, deadlines, notice, manner of consideration; germanity**

(1) No amendment or proposed committee substitute to any measure, or no proposed committee bill on any committee agenda shall be considered by that committee unless the amendment, proposed committee substitute, or proposed committee bill was prepared in proper form as prescribed by the Secretary and filed with the committee administrative assistant at least twenty-four (24) hours prior to the noticed meeting time. For the purpose of this Rule, office hours are the weekdays of Monday through Friday, 8:00 a.m.–5:00 p.m. Copies of such amendment, proposed committee substitute, or proposed committee bill shall be made reasonably available by the committee administrative assistant before the meeting to the members of the committee and to the public.

(a) After distribution of all timely filed amendments, amendments to amendments or substitute amendments may be filed to any measure to which an amendment was timely filed. Such amendments must be filed with the committee administrative assistant at least two (2) hours prior to the noticed meeting time.
(b) After distribution of all timely filed proposed committee substitutes and proposed committee bills, amendments, amendments to amendments, or substitute amendments to any proposed committee substitute or proposed committee bill must be filed with the committee administrative assistant at least two (2) hours prior to the noticed meeting time.
(c) Amendments to late-filed amendments, proposed committee substitutes, or proposed committee bills shall be considered timely filed if filed at least two (2) hours prior to the noticed meeting time.
(d) After day fifty (50) of a regular session, an amendment, proposed committee bill, or proposed committee substitute to any measure prepared prior to a committee meeting at which it is offered shall be filed with the committee administrative assistant at least two (2) hours prior to the noticed meeting time.
(e) The consideration of any amendment, proposed committee bill, or proposed committee substitute not timely filed in accordance with this Rule, including any filed during a committee meeting in which it is to be offered, requires a **two-thirds (2/3) vote** of those committee members present, if any member requests that such a vote be taken. 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 bill and amendment.

(2) An amendment shall be considered only after its sponsor, who is a member of the committee or the introducer of the pending bill, gains recognition from the chair to move its adoption. The first- or second-named co-introducer, or a member of the committee presenting the bill with permission of the chair, may move and explain an amendment sponsored by the introducer.

(3) 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.

(4) No proposition on a subject different from that under consideration shall be admitted in the form of an amendment.

**2.40—Sequence of amendments to amendments**

(1) 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:

(a) Amendments to the amendment are acted on before the substitute is taken up.
(b) Amendments to the substitute are next voted on.
(c) The substitute then is voted on.

(2) If a substitute amendment is adopted, it supersedes the main amendment and shall be treated as an amendment to the bill itself.

(3) The following third (3rd) degree amendments are out of order:

(a) A substitute amendment for an amendment to the amendment.
(b) A substitute amendment for an amendment to the substitute.
(c) An amendment to an amendment to the amendment.
(d) An amendment to an amendment to the substitute amendment.

*See* Rule 7.3—Sequence of amendments to amendments.

**2.41—Deleting everything after enacting clause**

A proposal to delete everything after the enacting clause of a bill, or the resolving clause of a resolution, and insert new language of the same or related subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

**2.42—Amendment by section**

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The chair, in recognizing members for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the entire bill shall be open for amendment.

**2.43—Senate amendments to House bills**

A House bill may be amended in the same manner as a Senate bill except that it may not be reported as a committee substitute.

**2.44—Amendments by previous committees**

Amendments recommended by all committees of reference shall accompany a bill when filed with the Secretary. No committee shall remove an amendment by another committee but may recommend an amendment to an amendment, or a substitute for an amendment, by another committee. Any accompanying amendment shall be included in a subsequent committee substitute unless altered or negated by committee action. Amendments adopted by a committee to be incorporated in a committee substitute need not be filed with the Secretary as part of the reports required in Rules 2.15 and 2.16.

**PART SEVEN—COMMITTEES—DECORUM AND DEBATE**

**2.45—Decorum and debate; proper forms of address**

When a member desires to speak or present a matter to the committee, the member shall address himself or herself to "Mr. or Madam Chair" and, on being recognized, may address the committee and shall confine any remarks to the question under debate, avoiding personality. A member shall not address or refer to another member by his or her first name. A member shall use the appellation of "Senator" or such appellation and the surname of the member referred to or addressed.

**2.46—Chair's power to recognize**

When two (2) or more members request to speak at once, the chair shall recognize the member who is to speak first.

**2.47—Interruptions; when allowed**

(1) No member shall be interrupted by another without the consent of the member who has the floor, except by:

(a) Rising to a question of privilege;
(b) Rising to a point of order requiring an immediate ruling;
(c) Rising to appeal a decision of the chair concerning a point of order (provided the appeal is made immediately following the decision);
(d) Rising to make a parliamentary inquiry requiring an immediate reply; or
(e) Rising to question the existence of a quorum.

(2) The chair shall strictly enforce this Rule.

**2.48—Speaking rights**

(1) When a member is speaking and another member interrupts to request recognition, the chair may permit the person rising to state why he or she desires recognition. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member is then entitled to resume the floor.

(2) The member making a debatable motion or the introducer of a bill, whether or not a member of the committee, shall have **five (5) minutes** in order to close debate.

**2.49—Time allowed for debate**

No Senator shall speak longer than **ten (10) minutes** without yielding the floor, except by consent of a **majority** of those committee members present.

**2.50—Limitation on debate; vote at a time certain**

When a matter is under debate by the committee, a member may move to limit debate or vote at a time certain, and the motion shall be decided without debate. If time permits, the introducer of the pending matter on which debate would be limited shall have **five (5) minutes** to discuss the motion, and the introducer may divide such time with, or waive it in favor of, another member. If the question is decided in the affirmative by a **two-thirds (2/3) vote** of those committee members present, the debate shall be limited accordingly. The time allotted by such limitation shall be apportioned by the chair. Once limited, debate may be extended beyond the original debate time limit by a **majority vote** of the committee members present.

*See* Rule 8.6—Limitation on debate.

**2.51—Priority of business; debate thereon**

All questions relating to the priority of business shall be acted on and shall be decided without debate.

**RULE THREE**

BILLS, RESOLUTIONS, AND MEMORIALS

**3.1—Form of bills**

(1) All bills shall contain a proper title, as required by Article III, Section 6 of the *State Constitution*, and the enacting clause, "Be It Enacted by the Legislature of the State of Florida:." The title of each bill shall be prefaced by the words, "A bill to be entitled An act." Standard rules of capitalization shall apply.

*See* FLA. CONST. art. III, s. 6 Laws.

(2) The original must be approved by the introducer and backed in a folder-jacket. On these jackets shall be inscribed the name and district number of the introducer and any co-introducers or the introducing committee and its chair, and enough of the title for identification.

*See* Rule 2.11—Presentation of bills introduced by Senators before committees; staff presentation of committee bills.
*See* Rule 11.6—General; definitions.

(3) Bills that propose to amend existing provisions of the *Florida Statutes* (as described in Article III, Section 6 of the *State Constitution*) or the *Laws of Florida* shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the *State Constitution* shall contain the full text of the section to be amended.

*See* FLA. CONST. art. III, s. 6 Laws.

(4) In general bills and joint resolutions that propose to create or amend existing provisions of the *Florida Statutes*, *Laws of Florida*, or the *State Constitution*, new words shall be inserted underlined, and words to be deleted shall be lined through, except that the text of the General Appropriations Act shall not be underlined.

(5) When the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it shall not be necessary to use the coded indicators of words added or deleted but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the text of the provision being amended: "Substantial rewording of section. See s. [number], F.S., for present text." When such notation is used, the notation as well as the substantially reworded text shall be underlined.

(6) The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and shall not be considered to constitute a part of the bill under consideration.

(7) Section catchlines of existing text shall not be typed with underlining.

**3.2—Bills for introduction**

A bill may not be introduced until properly filed with the Secretary.

*See* Rule 1.15—The Secretary examines legal form of bills for introduction and reference.
*See* Rule 3.7—Bill filing deadline during regular session; bill filing between regular sessions; exceptions.
*See* Rule 13.4—Delivery for introduction.

**3.3—Form of local bills**

As required by Article III, Section 10 of the *State Constitution*, all local bills must either embody provision for ratifying referenda (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement. A form of affidavit may be found in section 11.03, *Florida Statutes*. All local bills that require publication shall, when introduced, have proof of publication securely attached to the original copy of the bill and the words "Proof of Publication Attached" clearly typed or stamped on the Senate side of the bill jacket or cover, or the same shall be rejected by the Secretary.

*See* FLA. CONST. art. III, s. 10 Special laws.

**3.4—Form of joint resolutions**

Joint resolutions shall contain a proper title, as required by Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:." Each joint resolution shall be prefaced by the words: "A joint resolution."

*See* FLA. CONST. art. III, s. 6 Laws.

**3.5—Form of memorials**

Memorials shall contain a proper title, as required by Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:."

**3.6—Form of resolutions; Senate and concurrent**

(1) Senate resolutions and all concurrent resolutions shall contain a proper title, as required by Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. Senate resolutions shall contain the resolving clause: "Be It Resolved by the Senate of the State of Florida:." Concurrent resolutions shall contain the resolving clause: "Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:."

(2) Only the Secretary shall prepare copies of Senate resolutions that are to be furnished to any person after the resolution's adoption.

**3.7—Bill filing deadline during regular session; bill filing between regular sessions; exceptions**

(1) All bills shall be filed for introduction with the Secretary no later than 12:00 noon of the first (1st) day of the regular session except:

(a) general appropriations bills,
(b) appropriations implementing bills,
(c) appropriations conforming bills,
(d) local bills,
(e) Senate resolutions,
(f) concurrent resolutions pertaining to a legislative joint session, a session extension, joint rules, procedure, organization, recalling a bill from the Governor, or setting an effective date for a bill passed over the Governor's veto,
(g) committee bills,
(h) trust fund bills,
(i) public record exemptions that are linked to timely filed general bills, and
(j) fee bills that are linked to timely filed general bills.

(2) Claim bills shall be filed in accordance with the requirements of Rule 4.81(2).

(3) A motion to waive this Rule shall be referred to the Rules Committee for a hearing and its advisory recommendation as to the existence of an emergency reasonably compelling consideration of a bill notwithstanding this Rule and a recommendation shall be reported back to the Senate. The Secretary shall number each bill to provide identity and control until a permanent number can be affixed.

*See* Rule 1.15—The Secretary examines legal form of bills for introduction and reference.

(4) Between regular sessions of the Legislature, bills may be filed by delivery to the Secretary.

**3.8—Filed bills; consideration between regular sessions**

(1) A filed bill complying with these Rules shall, in anticipation of the next regular session, be serially numbered in accordance with the permanent system required by these Rules.

(2) The Secretary shall provide each such numbered bill to the President for reference to a committee or committees pursuant to these Rules. The Secretary shall promptly forward each referenced bill to the first (1st) or only committee of reference. The Secretary shall make all filed bills available to each Senator, including the referencing data for each bill, and a calendar of all committee hearings, including the bills noticed for hearing by each.

(3) Each bill considered by a committee and reported to the Secretary during the interim shall be introduced and read on the first (1st) day of the regular session, pursuant to the *State Constitution, Laws of Florida,* and these Rules. The Journal shall show the committee reference and the report of the committee.

(4) Prior to the introduction of a bill on the first (1st) day of the regular session, a Senator may give written notification to the Secretary to withdraw his or her bill from further consideration of the Senate.

**3.9—Copies of bills**

When filed, bills (including committee bills and committee substitute bills) shall be published by the Secretary for the information of the Senate and the public. The absence of a published copy shall not delay the progress of a measure at any stage of the legislative process. Sufficient copies of the general appropriations bill proposed to be introduced by the Appropriations Committee shall be made available to the members and, upon request, to the public, at the Office of the Secretary and at the committee's office, no less than two (2) hours prior to the time the Appropriations Committee meets to consider the proposed committee bill.

**3.10—Identification of bills**

Bills and other measures requiring legislative action shall be introduced in the order they are received by the Secretary. They shall be serially numbered with even numbers as introduced, without differentiation in number as to type. The Secretary shall mark the original copy of each measure to ensure its identification, and each page thereof, as the item introduced in order to prevent unauthorized or improper substitutions. This identification may be made by any device to accomplish the purpose of this Rule. Such device shall be in the custody of the Secretary, and its use by any person not authorized by this Rule is prohibited.

**3.11—Companion measures; defined; substitution of House bills for Senate bills**

(1) 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.

(2) 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.

(a) Before a vote is taken on a substitution motion, the mover shall explain the differences between the Senate bill and the House bill.
(b) A substitution motion may be adopted by a **majority vote** of those Senators present if the House companion 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 companion measure.

(3) A House bill residing in a Senate committee that is a companion of a bill under consideration in the Senate may be withdrawn from the committees of reference without motion, unless any Senator requests a vote on such withdrawal action. A withdrawal action shall require a **two-thirds (2/3) vote** of those Senators present for adoption.

(4) At the moment the Senate passes a 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.

**3.12—Introducers of bills; co-introducers; introducers no longer Senators**

(1) Bills shall be approved for introduction by a Senator whose name is affixed to the original, or by any committee with the name of the committee and the name of the chair of the committee affixed to the original.

(2) A bill may be co-introduced by any Senator whose name is affixed to the original.

(3) A Senator who is not seeking or is ineligible for reelection and, therefore, will not be a Senator at the next regular session of the Legislature may not file a bill for that session. Once a Senator is no longer in office, any bill filed by that Senator for a current or future session of the Legislature shall be deemed withdrawn from further consideration of the Senate unless the bill has a co-introducer who, within seven (7) days, agrees to become the introducer of the bill.

**3.13—Fiscal notes**

(1) Upon being favorably reported by a committee, all general bills or joint resolutions affecting revenues, expenditures, or fiscal liabilities of state or local governments shall be accompanied by a fiscal note. Fiscal notes shall reflect the estimated increase or decrease in revenues or expenditures. The estimated economic impact, which calculates the present and future fiscal effects of the bill or joint resolution, must be considered. The fiscal note shall not express opinion relative to the merits of the measure, but may identify technical defects.

(2) Fiscal notes on bills affecting any state retirement system shall be prepared after consultation with an actuary who is a member of the Society of Actuaries, and the cooperation of appropriate state agencies for necessary data shall be solicited.

(3) Fiscal notes shall be regarded as memoranda of factual information and shall be made available to Senators.

(4) If a bill or joint resolution is reported favorably by a committee without a fiscal note or economic impact statement, as defined in this Rule, a Senator may at any time prior to final passage raise a point of order, and the President shall order return of the bill or joint resolution to the committee. A fiscal note prepared for a Senate bill or joint resolution shall be presumed as prepared also for its House companion for the purposes of point of order.

**RULE FOUR**

ORDER OF BUSINESS AND CALENDAR

**4.1—Sittings of the Senate**

The Senate shall convene pursuant to a schedule provided by the President or at the hour established by the Senate at its last sitting. This schedule shall set forth hours to convene and adjourn and may contain a schedule for the Special Order Calendars submitted by the Rules Chair, Majority Leader, and Minority Leader. The Senate shall not convene before 7:00 a.m. nor meet or continue to meet after 6:00 p.m. However, a sitting may be extended beyond these hours or the scheduled or previously agreed to time of adjournment by a **majority vote**.

*See* Rule 1.2—The President calls the Senate to order; informal recess.

**4.2—Quorum**

A **majority** of the Senate shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as it may prescribe. A Senator at any time may question the existence of a quorum.

*See* FLA. CONST. art. III, s. 4 Quorum and procedure.

**4.3—Daily Order of Business**

(1) The Daily Order of Business shall be as follows:

(a) Roll Call
(b) Prayer
(c) Pledge of Allegiance to the Flag of the United States of America
(d) Reports of Committees
(e) Motions Relating to Committee Reference
(f) Messages from the Governor and Other Executive Communications
(g) Messages from the House of Representatives
(h) Matters on Reconsideration
(i) Consideration of Bills on Third (3rd) Reading
(j) Special Order Calendars
(k) Consideration of Bills on Second (2nd) Reading
(l) Correction and Approval of Journal

(2) The Secretary shall prepare and distribute, on each session weekday, a calendar corresponding to the Daily Order of Business; and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be omitted from the formal calendar and may be distributed to Senators by the

Secretary separately. Weekend calendars may be prepared when necessary to provide notice of meetings on Saturday or Sunday.

*See* Rule 4.16—Consideration out of regular order.

(3) Certain messages from the House of Representatives may be withheld from the Daily Order of Business pursuant to Rule 1.18 or on order of the President. Notwithstanding Rule 4.3(1), the Senate may, at the direction of the President, take up messages from the House at any time.

*See* Rule 1.18—The Secretary receives and delivers for reading messages from the House of Representatives; summaries of House amendments to Senate bills.

(4) Unless read during a sitting, first (1st) reading of a bill shall be accomplished by publication of the title thereof in the Journal pursuant to Article III, Section 7 of the *State Constitution*.

*See* FLA. CONST. art. III, s. 7 Passage of bills.

**4.31—Unanimous consent required**

Except by unanimous consent of those Senators present at a sitting, no bill shall be considered by the Senate if the bill or a companion measure has not been first reported favorably by at least one (1) Senate committee.

*See* Rule 1.15(4)—The Secretary examines legal form of bills for introduction and reference.

**4.5—Conference committee report**

(1) The report of a conference committee shall be read to the Senate after which the vote shall be:

(a) on adoption or rejection of the conference report and, if adopted, the vote shall then be
(b) on final passage of the measure as amended by the conference report.

Copies of conference committee reports shall be available to the membership twelve (12) hours prior to the time such report is scheduled to be taken up on the Senate floor.

(2) The report must be acted on as a whole, being adopted or rejected.

(3) Each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(4) Except when the Senate is voting on a proposition, reports of conference committees shall always be in order.

**4.6—Reference generally**

(1) All bills, including those that are strictly local in nature, shall be referred by the President to appropriate committees and standing subcommittees. General appropriations bills, appropriations implementing bills, trust fund bills, and appropriations conforming bills introduced by the Appropriations Committee may be placed on the calendar without reference.

(2) Bills received by the President during a regular session and within three (3) weeks next preceding the convening of a regular session shall be referred within seven (7) days. Upon failure of the President to reference such bills within this limitation, they shall be referred to committees recommended by the introducer. In the event of extended absence of the President or the President's disability or incapacity, the President Pro Tempore shall assume the duty of referring bills.

(3) When the Legislature is not in session, the President may change or correct a bill reference by notice to the Secretary and the bill introducer.

*See* Rule 1.15—The Secretary examines legal form of bills for introduction and reference.

**4.7—Reference to more than one committee; effect**

(1) When a bill receives more than one (1) reference, it shall be considered by each committee separately in the order in which the references are made. However, if any committee to which the bill is referred makes an unfavorable report on said bill, that report shall be filed with the Senate and no further consideration given by other committees except by a **two-thirds (2/3) vote** of those Senators present while sitting.

(2) If a committee reports a bill favorably with committee substitute or with any amendment that substantially amends the bill, the President may change or correct the reference of the reported bill within seven (7) days after the filing of the report. Notice of a reference change shall be given to the Secretary and the introducer of the bill.

**4.8—Review and reference of bills affecting appropriations, revenue, retirement, or county or municipal spending**

(1) All bills authorizing or substantially affecting appropriations or tax revenue shall be referred to the appropriate revenue, fiscal, or appropriations committee.

(2) All bills substantially affecting a state-funded or state-administered retirement system shall be referred to the Governmental Oversight and Accountability Committee.

(3) A bill containing a local mandate as described in Article VII, Section 18 of the *State Constitution* shall be referred to the Community Affairs Committee.

(4) A bill that is amended to substantially affect appropriations or tax revenue, a state retirement program, or expenditures or revenues as set forth in Article VII, Section 18 of the *State Constitution* may, before being placed before the Senate for final passage, be referred by the President along with all amendments to the appropriate revenue or appropriations committee.

**4.81—Claim bills**

(1) Claim bills are of two (2) types: excess judgment claims filed pursuant to section 768.28(5), *Florida Statutes*, and equitable claims filed without an underlying excess judgment.

(2) A claim bill filed by a current serving Senator must be filed by the first (1st) Friday in August to be considered by the Senate during the next regular session. A claim bill filed by a newly elected Senator must be filed by the sixth (6th) Friday after election. A claim bill that is filed after the deadline may not be considered by the Senate without approval of the Rules Committee. A motion to introduce a claim bill notwithstanding the claim bill filing deadline shall be referred to the Rules Committee for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. A House claim bill that does not have a Senate companion claim bill timely filed under this Rule shall not be considered by the Senate. Any motion to consider a House claim bill that does not have a timely filed Senate companion bill shall be referred to the Rules Committee for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. The determination by the Rules Committee shall be reported back to the Senate. Upon a determination by the committee that an emergency does exist, the motion may be considered by the Senate and must be adopted by a **two-thirds (2/3) vote** of those Senators present.

(3) If the President determines that a hearing is necessary to determine liability, proximate cause, and damages, a special master shall conduct a *de novo* hearing pursuant to reasonable notice.

In order to carry out the special master's duties, a special master may request the President to issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence which the special master deems relevant to the evaluation of a claim. The President may issue said process at the request of the special master.

The special master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, record

the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the special master who shall be available, in person, to explain his or her report to the committees and to the Senate.

(4) All claim bills shall be referred by the President to one (1) or more committees for review. The Secretary shall deliver each claim bill and the special master's report and recommendations, if any, to the committees of reference when the bill is placed on an agenda.

(5) Stipulations entered into by the parties are not binding on the special master, the Senate, or its committees.

(6) The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted; except that the hearing and consideration of a claim that is still within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement. This subsection does not apply to a bill which relates to a claim of wrongful incarceration.

(7) All materials provided by litigants and others in connection with claim bills shall be submitted in a digital form prescribed by the Secretary.

*See* Rule 3.12—Introducers of bills; co-introducers; introducers no longer Senators.

**4.9—Reference of resolutions**

(1) Substantive resolutions shall be referred by the President to a standing committee.

(2) Resolutions that may be considered without reference to a committee include those addressing:

(a) Senate organization,
(b) condolence and commemoration that are of a statewide nonpolitical significance, and
(c) concurrent resolutions pertaining to a legislative joint session, a session extension, joint rules, procedure, organization, recalling a bill from the Governor, or setting an effective date for a bill passed over the Governor's veto.

The resolutions listed in subsection (2) may be considered and read twice on the same day on motion and adopted at time of introduction without reference, except that resolutions of condolence or commemoration that are of a statewide nonpolitical significance may be shown as introduced, read, and adopted by publication in full in the Journal.

**4.10—Reference of a bill to different committee or removal from committee**

(1) After the President has referred a bill, the Rules Chair may move for reference to a different committee or for removal from any committee after the introducer of the bill has filed a request with the Rules Chair signed by the chair of the affected committee, the Rules Chair, and the President. This motion may be adopted by a **two-thirds (2/3) vote** of those Senators present.

(2) Notwithstanding these Rules, a Senator may, during the day of introduction of filed bills, but no later than under the Order of Business of "Motions Relating to Committee Reference" on the second (2nd) day on which the Senate sits, move for reference to a different committee or for removal from a committee. This motion may be adopted by a **two-thirds (2/3) vote** of those Senators present.

**4.11—Papers of miscellaneous nature; spreading remarks on the Journal**

(1) Papers of a miscellaneous nature addressed to the Senate may, at the discretion of the President, be read, noted in the Journal, or filed with an appropriate committee. When there is a demand to read a paper other than one on which the Senate is called to give a final vote and the same is objected to by any Senator, it shall be determined by a **majority vote** of those Senators present.

(2) A **two-thirds (2/3) vote** shall be required to spread remarks upon the Journal.

**4.12—Reading of bills and joint resolutions**

Each bill or joint resolution shall be read on three (3) separate days before a vote on final passage unless decided otherwise by a **two-thirds (2/3) vote** of those Senators present as provided in Article III, Section 7 of the *State Constitution*.

*See* FLA. CONST. art. III, s. 7 Passage of bills.
*See* FLA. CONST. art. XI, s. 1 Proposal by legislature.

**4.13—Reading of concurrent resolutions and memorials**

(1) Each concurrent resolution or memorial shall be read by title on two (2) separate days before a voice vote on adoption, unless decided otherwise by a **two-thirds (2/3) vote** of those Senators present.

(2) Concurrent resolutions pertaining to a joint legislative session, a session extension, joint rules, procedure, organization, recalling a bill from the Governor, or setting an effective date for a bill passed over the Governor's veto may be read a first (1st) and second (2nd) time, and adopted on the same day.

**4.14—Reading of Senate resolutions**

Unless referred to a standing committee, on introduction, each Senate resolution shall be read two (2) times on the same day by title only before the question is put on adoption by voice vote.

**4.15—Referral or postponement on third (3rd) reading**

After its third (3rd) reading, a bill or joint resolution shall not be referred or committed (except as provided under Rule 4.8) or amended (except a corrective or title amendment) except by a **two-thirds (2/3) vote** of those Senators present, nor shall the vote on passage be postponed to a day certain without the consent of a **majority** of those Senators present.

*See* Rule 6.2—Motions; precedence.

**4.16—Consideration out of regular order**

A bill shall be considered out of regular order on the calendar on unanimous consent of those Senators present obtained in the following manner: prior to the consideration of the motion, the Senator moving for unanimous consent of those Senators present shall orally give the membership not fewer than **fifteen (15) minutes** notice of his or her intention to move and shall specify the number of the bill and its position on the calendar. On entertainment of the motion, the moving Senator shall be allowed **one (1) minute** to explain his or her purpose, and unanimous consent of those Senators present shall be given or refused without further debate.

*See* Rule 4.3(2)—Daily Order of Business.

**4.17—Procedure to establish Special Order Calendars and Consent Calendars**

(1) Commencing fifteen (15) days prior to a regular session and continuing through any extension thereof, the Rules Chair, Majority Leader, and Minority Leader shall together submit a Special Order Calendar determining the list of bills for consideration by the Senate. The President shall determine the order in which such bills appear on the published Special Order Calendar.

(2) A Special Order Calendar submitted for the first (1st) day, second (2nd) day, or last fourteen (14) days of a regular session shall be published in one (1) daily calendar and may be considered on the day of publication. A Special Order Calendar for any other day during a regular session shall be published in two (2) daily calendars and may be considered on the second (2nd) day of publication.

(a) Bills that had been scheduled for a Special Order Calendar for a previous sitting may be included in the next Special Order Calendar.

(b) A bill appearing on a Special Order Calendar may be stricken by a **two-thirds (2/3) vote** of those Senators present.
(c) A bill appearing on the calendar of bills on second (2nd) reading may be added to the end of the Special Order Calendar by a **two-thirds (2/3) vote** of Senators present.
(d) All bills set as Special Orders for consideration at the same hour shall take precedence in the order in which they were given preference.
(e) A Special Order Calendar may not be submitted by the Rules Chair, Majority Leader, and Minority Leader and considered by the Senate on the same day.

(3) A **two-thirds (2/3) vote** of those Senators present shall be required to establish a Special Order except as provided in this Rule.

(4) Notice of date, time, and place for the establishment of the Special Order Calendars shall be published in at least one (1) Senate calendar or by announcement from the floor.

(5) With the approval of the President, the Rules Chair may submit a Consent Calendar to be presented in conjunction with the Special Order Calendars.

(a) When such a day is designated, all bills appearing on the Consent Calendar shall be considered in their order of appearance.
(b) Amendments shall be limited to accompanying committee amendments, noncontroversial and technical amendments, and amendments required to conform a House companion bill to the Senate bill.
(c) When a Senator objects to consideration of a bill on a Consent Calendar, the bill shall be removed from the Consent Calendar but retain its order on the Second (2nd) Reading Calendar.
(d) All Consent Calendar bills must have appeared in at least one (1) daily calendar.

**4.18—Local Bill Calendar**

Local bills shall be disposed of according to the calendar of bills of a local nature and shall be considered only at such time as determined by the Rules Chair and approved by the President. Any Senator from the delegation for the local area affected by a bill on the Local Bill Calendar may object to consideration of the bill and the bill shall be removed from such calendar.

**4.19—Order after second (2nd) reading**

(1) After a Senate bill has been read a second (2nd) time and amended and all questions relative to it have been disposed of, it shall be referred to the engrossing clerk to be immediately engrossed. It shall then be placed on the calendar of bills on third (3rd) reading to be considered during the next Senate sitting.

(2) Amendments filed with the Secretary, but not formally moved, shall not be construed as pending and shall not deter advancement of a bill to third (3rd) reading.

(3) A bill shall be available for its third (3rd) reading when it has been read a second (2nd) time on a previous day and no motion left pending.

(4) Bills calendared for second (2nd) or third (3rd) reading shall not be considered on such reading until reached in the proper order and read by title as directed by the President.

**4.20—Enrolling**

The Secretary shall be responsible for the enrolling of Senate bills. After enrollment, all bills shall be signed by the President and the Secretary and the enrolling report shall be published in the Journal.

*See* FLA. CONST. art. III, s. 7 Passage of bills.

**4.21—Veto messages**

Veto messages shall be referred to the Rules Committee.

*See* FLA. CONST. art. III, s. 8 Executive approval and veto.

**RULE FIVE**

VOTING

**5.1—Taking the yeas and nays; objection to voting conflicts**

(1) The President shall declare all votes, but, if five (5) Senators immediately question the declared result of a voice vote by a show of hands, the President shall take the vote by yeas and nays or electronic roll call. When taking yeas and nays on any question, the electronic roll call system may be used and shall have the force and effect of a roll call taken as provided in these Rules. This system may also be used to determine the presence of a quorum. When the Senate is ready to vote on a question requiring roll call and the vote is by electronic roll call, the President shall state: "The Secretary will unlock the board and Senators prepare to vote." When sufficient time has elapsed for each Senator to vote, the President shall say: "Have all Senators voted?" And, after a short pause, shall state: "The Secretary will now lock the board and record the vote." When the vote is completely recorded, the President shall announce the result to the Senate; and the Secretary shall enter the result in the Journal. When the Senate is equally divided, the question shall be lost.

(2) A point of order questioning the decision of a Senator not to abstain from voting on account of a conflict of interest may be raised after the vote has been recorded and before the result is announced.

*See* Rule 1.20—Attendance, voting, and disclosure of conflicts.
*See* Rule 1.39—Disclosure of conflict of interest and prohibition on voting thereon.
*See* FLA. CONST. art. III, s. 4(c) Quorum and procedure.

**5.2—Change of vote; votes after a roll call; vote verification**

(1) After the result of the vote has been announced by the President, a Senator with unanimous consent of those Senators present may change his or her vote or cast a late vote on the matter.

(2) Records of vote change and after the roll call requests shall be available at the Secretary's desk throughout the day's sitting.

(3) An original roll call shall not be altered, but, if no objection is raised before the close of business that day, timely filed changes of votes and votes after the roll call shall be accepted and recorded under the original roll call in the Journal.

(4) No such change of vote or vote after the roll call request shall be accepted if such vote would alter the result of the vote on final passage of the matter until the matter shall first have been returned to the desk and reconsidered.

(5) On request of a Senator before considering other business, the President shall order a verification of a vote.

**5.3—Casting vote for another; quorum**

(1) No Senator shall cast a vote for another Senator unless the Senator is present in the Chamber area and requests the casting of said vote, nor shall a person not a Senator cast a vote for a Senator. No Senator shall cast a vote for another Senator during a quorum call.

(2) A Senator who shall, without such authorization, vote or attempt to vote for another Senator may be punished as the Senate may deem proper.

(3) A person not a Senator who votes in the place of a Senator shall be excluded from the Chamber for the remainder of the session.

**5.5—Explanation of vote**

No Senator shall be permitted to explain his or her vote during a roll call but may submit a brief explanation in writing to the Secretary, who shall enter it in the Journal.

*See* Rule 2.31—Explanation of vote; deferring a vote prohibited.

**5.6—Election by ballot**

In all cases of ballot, a **majority** of the votes cast shall be necessary to an election. If, however, no one is elected on the first three (3) ballots, the names after the top two (2) in number of votes received on the third (3rd) tally shall be dropped, and the Senate shall ballot on the two (2) names remaining.

## RULE SIX

MOTIONS AND PRECEDENCE

**6.1—Motions; how made, withdrawn**

(1) Procedural motions may be made orally. On request of the President, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the President, it shall be deemed to be in possession of the Senate and, without a second, shall be disposed of by vote of the Senate.

(2) The mover may withdraw a motion, except a motion to reconsider, as hereinafter provided, at any time before the same has been amended or before the vote shall have commenced.

**6.2—Motions; precedence**

(1) When a question is under debate, the President shall receive no motion except:

(a) To reconsider and leave pending a main question
*See* Rule 6.4—Reconsideration generally.
(b) To adjourn
1. At a time certain
2. Instanter
*See* FLA. CONST. art. III, s. 3(e) Sessions of the legislature.
(c) To recess
*See* Rule 1.2—The President calls the Senate to order; informal recess.
(d) Questions of privilege
*See* Rule 8.11—Questions of privilege.
(e) To proceed to the consideration of executive business
(f) To reconsider
*See* Rule 6.4—Reconsideration generally.
(g) To limit debate
*See* Rule 8.6—Limitation on debate.
(h) To temporarily postpone
*See* Rule 6.11—Temporarily postpone.
(i) To postpone to a day certain
(j) To commit to a standing committee
*See* Rule 4.15—Referral or postponement on third (3rd) reading.
(k) To commit to a select committee
*See* Rule 4.15—Referral or postponement on third (3rd) reading.
(l) To amend
*See* Rule 7—Amendments.
(m) To postpone indefinitely
*See* Rule 6.9—Motion to indefinitely postpone.

which shall have precedence in the descending order given.

(2) The President shall present all questions in the order in which they are moved unless the subsequent motion is of a higher precedence.

(3) Motions for the previous question and to lay on the table shall not be entertained.

(4) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) substitute shall be considered concurrently and the substitute shall be in the same order of precedence.

(5) A motion to discharge Senate conferees and to appoint or instruct said conferees as set forth in Rule 2.19 is a motion of the highest privilege and this motion shall have precedence over all other questions except motions to adjourn or recess and questions of privilege.

**6.3—Division of question**

(1) A Senator may move for a division of a question when the sense will admit of it, which shall be decided by a **majority vote**.

(2) A motion to delete and insert shall be deemed indivisible; a motion to delete, being lost, shall neither preclude amendment nor a motion to delete and insert.

**6.4—Reconsideration generally**

(1) When a main question (the vote on passage of a measure, including a vote on a veto message, confirmation of executive appointments, removal or suspension from office) has been decided by the Senate, a Senator voting with the prevailing side may move for reconsideration of the question on the day the matter was decided or on the next day on which the Senate sits.

(a) If the question has been decided by voice vote, any Senator may move for reconsideration thereof.
(b) When a **majority** of those Senators present vote in the affirmative on the question but the proposition is lost because it is one in which the concurrence of more than a **majority** of those Senators present is necessary for adoption or passage, any Senator may move for reconsideration.

(2) Such motion to reconsider may be made prior to or pending a motion to recess or adjourn.

(3) Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate at its next sitting and, unless taken up under the proper order of business on that day by motion of any Senator, shall be deemed abandoned. If the Senate shall refuse to reconsider or, on reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except on unanimous consent of those Senators present.

(4) During the last fourteen (14) days of a regular session, a motion to reconsider shall be considered when made.

**6.5—Reconsideration; vote required**

The affirmative votes of a **majority** of those Senators present shall be required to adopt a motion to reconsider.

**6.6—Reconsideration; debate; time limits**

Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. When the question is debatable, no Senator shall speak thereon more than once or longer than **five (5) minutes**.

**6.7—Reconsideration; collateral matters and procedural motions**

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the Senate has passed to other business. Reconsideration of a procedural motion shall be considered on the same day and at the same time it is made.

**6.8—Reconsideration; Secretary to hold for period**

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. The adoption of a motion to waive the Rules by a **two-thirds (2/3) vote** of those Senators present and immediately certify any bill to the House shall be construed as releasing the measure from the Secretary's possession for the period of reconsideration and shall, thereafter, preclude reconsideration. Unless otherwise directed by the President, during the last fourteen (14) days of a regular session and during any extension thereof, or during a special session, bills shall be immediately transmitted to the House. Messages relating to Senate action on House amendments or to conference committee reports shall be transmitted by the Secretary forthwith.

*See* Rule 1.17—The Secretary transmits bills to the House of Representatives.
*See* Rule 6.4—Reconsideration generally.

**6.9—Motion to indefinitely postpone**

A motion to indefinitely postpone is debatable and, if approved, shall dispose of a measure for the duration of the legislative session and all extensions thereof. A motion to postpone consideration to a time beyond the last day allowed under the *State Constitution* for the current legislative session shall be construed as a motion to indefinitely postpone. Motions to indefinitely postpone shall not be applicable to collateral matters.

**6.10—Committee substitute; withdrawn**

Once a bill has been reported as a committee substitute, it may be withdrawn from further consideration only by motion of the introducer and unanimous consent of the Senators present.

**6.11—Temporarily postpone**

(1) The motion to temporarily postpone shall be decided without debate and shall cause a measure to be set aside but retained on the desk.

(2) If a main question is temporarily postponed before debate has commenced or motions have been applied, its reading shall be considered a nullity and the bill shall retain its original position on the order of business during that sitting; otherwise, the bill reverts to the status of bills on second (2nd) or third (3rd) reading, as applicable.

(3) The motion to return to consideration of a temporarily postponed main question shall be made under the proper order of business when no other matter is pending.

(4) If applied to a collateral matter, the motion to temporarily postpone shall not cause the main question to be carried with it. After having been temporarily postponed, if a collateral matter is not brought back before the Senate in the course of consideration of the adhering or main question, it shall be deemed abandoned.

**RULE SEVEN**

AMENDMENTS

**7.1—General form; germanity requirement; notice; manner of consideration; filing deadlines**

(1) No main amendment to a bill on any Senate calendar shall be considered by the Senate unless the amendment was prepared in proper form and filed with the Secretary no later than 2:00 p.m. the day before it is to be offered at a sitting.

(2) Substitutes for main amendments shall be filed by 4:00 p.m. and amendments to main amendments and amendments to substitute amendments by 5:00 p.m.

(3) No proposition on a subject different from that under consideration shall be admitted in the form of an amendment.

(4) Copies of such amendments shall be made reasonably available by the Secretary before the sitting, upon request, to the Senators and to the public.

(5) Consideration of all amendments not timely filed in accordance with this Rule requires a **two-thirds (2/3) vote** of those Senators present, if any Senator requests that such vote be taken.

(6) Amendments shall be filed with the Secretary on forms prescribed by the Secretary but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chair of the committee (or, in the chair's absence, the vice chair or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments.

(7) An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption. Amendments that have been filed with the Secretary but have not been formally moved for adoption shall not be deemed to be pending.

(8) The following bills are out of order and shall not be admitted or considered in the form of an amendment to a bill on the calendar and under consideration by the Senate:

(a) Bills that have received an unfavorable committee report.
(b) Bills that have been withdrawn from further consideration by the introducer.
(c) Bills the substance of which have not been reported favorably by all committees of reference.
(d) Bills that have not been published in at least one (1) daily calendar under Bills on Second (2nd) Reading.

Amendments covered by this Rule shall be substantially the same and identical as to specific intent and purpose as the measures described in paragraphs (a), (b), (c), or (d).

(9) Reviser's bills may be amended only by making deletions.

**7.2—Adoption**

(1) On second (2nd) reading, amendments may be adopted by a **majority vote** of those Senators present.

(2) On third (3rd) reading, amendments and amendments to amendments, including substitute amendments and amendments to a substitute amendment, shall be adopted by a **two-thirds (2/3) vote** of those Senators present.

(3) On third (3rd) reading, amendments to the title or corrective amendments may be decided, without debate, by a **majority vote** of those Senators present.

*See* Rule 4.15—Referral or postponement on third (3rd) reading.

**7.3—Sequence of amendments to amendments**

(1) 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:

(a) Amendments to the amendment are acted on before the substitute is taken up. Only one (1) amendment to the amendment may be pending.
(b) Amendments to the substitute are next voted on.
(c) The substitute then is voted on.

(2) If a substitute amendment is adopted in place of an original main amendment, it shall be treated as an amendment to the bill itself.

(3) The following third (3rd) degree amendments are out of order:

(a) A substitute amendment for an amendment to the amendment.
(b) A substitute amendment for an amendment to the substitute.
(c) An amendment to an amendment to the amendment.
(d) An amendment to an amendment to the substitute amendment.

**7.4—Deleting everything after enacting clause**

An amendment deleting everything after the enacting clause of a bill, or the resolving clause of a resolution, and inserting new language of the same or related subject as stated in the original title shall be deemed proper and germane.

**7.5—Amendment by section**

Adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The President, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the entire bill shall be open for amendment.

**7.6—Printing in Journal**

All amendments taken up by the Senate unless withdrawn shall be printed in the Journal, except that an amendment to the general appropriations bill constituting an entirely new bill shall not be printed until the filing of the conference committee report. All item amendments to the general appropriations bill shall be printed.

**7.7—Senate amendments to House bills**

A House bill may be amended in the same manner as a Senate bill. If a House bill is amended, this action shall be noted by the Secretary on the jacket before it is transmitted to the House.

**7.8—House amendments to Senate bills**

(1) After the reading of a House amendment to a Senate bill, the Senate may consider the following motions in order of their precedence:

(a) Amend the House amendment,
(b) Concur in the House amendment,
(c) Refuse to concur in the House amendment and ask the House to recede, or
(d) Request a conference committee.

(2) The adoption of any of the foregoing motions shall be by **majority vote** of those Senators present.

**7.9—House refusal to concur in Senate amendment**

(1) If the House shall refuse to concur in a Senate amendment to a House bill, the Senate may consider the following motions in order of their precedence:

(a) Recede,
(b) Insist that the House concur and request a conference committee, or
(c) Insist that the House concur.

(2) The adoption of any of the foregoing motions shall be by **majority vote** of those Senators present.

**RULE EIGHT**

DECORUM AND DEBATE

**8.1—Decorum and debate**

(1) When a Senator desires to speak or present a matter to the Senate, the Senator shall rise at his or her seat and address himself or herself to "Mr. or Madam President" and, on being recognized, may address the Senate from his or her desk or from the well of the Senate and shall confine any remarks to the question under debate, avoiding personality.

(2) A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of "Senator" or such appellation and the district number of the Senator being addressed, or a Senator may also use such appellation and the surname of the Senator referred to or addressed.

**8.2—Presiding officer's power of recognition**

When two (2) or more Senators rise at once, the presiding officer shall recognize the Senator who is to speak first.

**8.3—Interruptions; when allowed**

(1) No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by:

(a) Rising to a question of privilege;
(b) Rising to a point of order requiring an immediate ruling;
(c) Rising to appeal a decision of the presiding officer concerning a point of order (if the appeal is made immediately following the decision);
(d) Rising to make a parliamentary inquiry requiring an immediate reply; or
(e) Rising to question the existence of a quorum.

(2) The presiding officer shall strictly enforce this Rule.

**8.4—Senator speaking, rights**

(1) When a Senator is speaking and another Senator interrupts to request recognition, the presiding officer may ask the person rising to state why he or she desires the floor. If the question the Senator desires to raise is of higher precedence than the pending question, the Senator originally speaking shall relinquish the floor until the question having precedence is disposed of. The Senator then is entitled to resume the floor.

(2) The Senator making a debatable motion or the introducer of a bill shall have **five (5) minutes** in order to close debate.

**8.5—Limit on speaking**

No Senator shall speak longer than **thirty (30) minutes** without yielding the floor, except by consent of a **majority** of those Senators present.

**8.6—Limitation on debate**

When a matter is under debate by the Senate, a Senator may move to limit debate, and such motion shall be decided without debate, except the introducer of the matter on which debate would be limited shall have **five (5) minutes** to discuss said motion. If, by a **two-thirds (2/3) vote** of those Senators present, the question is decided in the affirmative, debate shall be limited accordingly. Debate may be further extended by a **majority vote**.

**8.7—Points of order, parliamentary inquiry, definitions**

(1) A "point of order" is the parliamentary device used to require a deliberative body to observe its own rules and to follow established parliamentary practice.

(2) A "parliamentary inquiry" is a request for information from the presiding officer:

(a) About business pending or soon to be pending before the Senate; or
(b) A device for obtaining a predetermination of a rule or a clarification thereof which may be presented in hypothetical form.

**8.9—Appeals**

The ruling of a presiding officer may be appealed. The appeal of a decision of the presiding officer must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; and, if the determination of the appeal is dependent on this point, it may be decided by the presiding officer. This second (2nd) decision is also subject to appeal.

**8.10—Appeals debatable**

An appeal of a decision of the presiding officer on a point of order is debatable even though the question from which it arose was not debatable.

**8.11—Questions of privilege**

(1) Questions of privilege have two (2) forms:

(a) Privilege of the Senate—Those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and

(b) Privilege of a Senator—The rights, reputation, and conduct of Senators individually, in their representative capacity only.

(2) These shall have precedence over all other questions except motions to adjourn or recess. A question of privilege affecting the Senate takes precedence over a question of privilege affecting an individual Senator.

**RULE NINE**

LOBBYING

**9.1—Those required to register**

All persons (except those specifically exempted) who seek to encourage the passage, defeat, or modification of legislation in the Senate or before its committees shall, before engaging in such activity, register as prescribed by law and the Joint Rules of the Florida Legislature.

**9.2—Obligations of lobbyist**

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he or she openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

(2) A lobbyist, by personal example and admonition to colleagues, shall uphold the honor and dignity of the Chamber in all of his or her dealings with the Senate.

(3) A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

(4) A lobbyist may not make any expenditure prohibited by section 11.045(4)(a), *Florida Statutes*, or by law.

**9.3—Lobbyists' requirements**

A lobbyist shall adhere to the statutory requirements for lobbyists provided by law and the Joint Rules.

**9.35—Contributions during sessions**

During a regular legislative session, and during an extended or special session as further provided for in Rule 1.361(2), a lobbyist may not directly or indirectly contribute to a Senator's own campaign, or to any organization that is registered, or should have been registered, with the Rules Committee pursuant to Rule 1.361(3).

**9.4—Advisory opinions**

(1) A lobbyist, when in doubt about the applicability and interpretation of Rule Nine in a particular context, may submit in writing a statement of the facts involved to the Rules Committee and may appear in person before said committee.

(2) The Rules Committee may render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case will constitute a violation of these Rules. All opinions shall delete names and be numbered, dated, and published in the Journal.

**9.5—Compilation of opinions**

The Secretary shall compile all advisory opinions of the Rules Committee.

**9.6—Violations; investigations, penalties**

(1) Any person may file a sworn complaint with the Rules Chair alleging a violation of the Rules regulating the conduct and ethics of lobbyists. The complainant shall also file a copy of the sworn complaint with the Senate General Counsel.

The complaint shall be based on personal knowledge, shall state detailed facts, shall specify the actions of the named lobbyist which form the basis for the complaint, shall attach all documentation on which the complaint is based, and shall identify the specific Rule alleged by the complainant to have been violated by the lobbyist.

(a) Upon a determination by the Rules Chair that the complaint fails to state facts supporting a finding of a violation of the Senate Rules, the complaint shall be dismissed.

(b) Upon a determination by the Rules Chair that the complaint states facts that, if true, would be a violation of the Senate Rules, the complaint shall be referred to a special master or select committee to determine probable cause. If a select committee is appointed, it shall be comprised of an odd number of members.

1. The special master or select committee shall give reasonable notice to the lobbyist who is alleged to have violated the Rules, shall conduct an investigation, and shall grant the lobbyist an opportunity to be heard. A report and recommendation shall then be prepared.
2. The report and recommendation is advisory only and shall be presented to the Rules Chair and the President as soon as practicable after the close of the investigation.
3. If the report and recommendation conclude that the facts do not support a finding of probable cause, the complaint shall be dismissed by the Rules Chair.
4. If the complaint is not dismissed, another select committee will be appointed and shall consider the report and recommendation, shall grant the lobbyist an opportunity to be heard, and shall develop its own recommendation.
5. If the select committee votes to dismiss the complaint, the chair shall dismiss the complaint.
6. Otherwise, the report and recommendation and the recommendation of the select committee shall be presented to the President.
7. The President shall present the committee's recommendation, along with the report and recommendation, to the Senate for final action.

(2) The Rules Chair shall act within thirty (30) days of receipt of a complaint, unless a concurrent jurisdiction is conducting an investigation, in which case a decision may be deferred until such investigation is complete.

(3) Nothing in this Rule prohibits a Rules Chair from allowing a lobbyist to correct or prevent an inadvertent, technical, or otherwise *de minimis* violation by informal means.

(4) Nothing in this Rule prohibits the Rules Chair or a select committee appointed pursuant to this Rule from recommending a consent decree if agreed to by the lobbyist. The decree shall state findings of fact and set forth an appropriate penalty. If the Senate accepts the consent decree, the complaint shall be deemed resolved.

(5) Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of Rule Nine shall be admonished, censured, reprimanded, placed on probation, or prohibited from lobbying for the duration of the session and from appearing before any Senate committee. Such determination shall be made by a **majority vote** of the Senate.

**9.7—Committees to be diligent**

Committees shall be diligent to ascertain whether those who appear before them, in other than an obviously individual capacity, have conformed to the requirements of Rule Nine, the Joint Rules, and any other applicable law, and shall report violations. No committee member shall knowingly permit an unregistered lobbyist to be heard.

**9.8—Lobbyist expenditures and compensation**

See Senate Rules Appendix A for lobbyist expenditures and compensation requirements. The appendix is hereby incorporated by reference as a Rule.

## RULE TEN

CHAMBER OF THE SENATE

**10.1—Persons entitled to admission**

(1) No person shall be admitted to the main floor of the Senate Chamber while the Senate is sitting except present members of the Senate, all officers and employees of the Senate in the performance of their duties, and persons charged with messages or papers to the Senate. Also entitled to admission are the Governor or one (1) representative designated by the Governor, the Lieutenant Governor, Cabinet officers, former Governors, present and former United States Senators, present and former members of the House of Representatives of the United States and of this State, Justices of the Supreme Court, former State Senators of Florida, and persons by invitation of the President.

(2) A special section of the gallery shall be reserved for members of the families of Senators.

**10.2—Exception to Chamber admission Rule**

Except at the discretion of the President, no person entitled to admission shall be admitted if registered pursuant to Rule Nine. During a sitting, no person admitted under this Rule shall engage in any lobbying activity involving a measure pending before the Legislature during the legislative session.

**10.3—Admission of media by President**

Members of the media, in performance of their duties, shall be assigned to a section specifically set aside for them, and shall not be allowed on the Senate floor while the Senate is sitting, except with the approval of the President.

**10.4—Attire**

All persons on the main floor of the Senate Chamber and in the gallery (with the exception of visitors in that portion of the gallery set aside for the general public) shall wear appropriate business attire at all times while the Senate is sitting.

**10.5—Gallery**

No food or beverages shall be allowed in the gallery at any time.

## RULE ELEVEN

CONSTRUCTION AND WAIVER OF RULES

**11.1—Interpretation of Rules**

It shall be the duty of the President, or the temporary presiding officer, to interpret all Rules.

**11.2—Waiver and suspension of Rules**

(1) These Rules shall not be waived or suspended except by a **two-thirds (2/3) vote** of those Senators present. The motion, when made, shall be decided without debate.

(2) A motion to waive a Rule requiring unanimous consent of the Senate shall require unanimous consent of those Senators present for approval.

**11.3—Changes in Rules**

(1) All proposed revisions of the Senate Rules shall be first referred to the Rules Committee, which shall report as soon thereafter as practicable. Consideration of such a report shall always be in order.

(2) The Rules Committee may originate reports and resolutions dealing with the Senate Rules and the Order of Business which may be approved by a **two-thirds (2/3) vote**, and such power shall be exclusive, provided, however, that any report made pursuant to this Rule may be amended by a **two-thirds (2/3) vote** of those Senators present.

**11.4—Majority action**

Unless otherwise indicated by the Senate Rules or the *State Constitution*, all action by the Senate or any of its committees or subcommittees, including references to "members present" or "Senators present," shall be by **majority vote** of those Senators present and voting.

*See* FLA. CONST. art. X, s. 12(e) Rules of construction.

**11.5—Uniform construction**

When in the Senate Rules reference is made to a "two-thirds (2/3) vote," it shall be construed to mean two-thirds (2/3) of those Senators present and voting except that two-thirds (2/3) of the entire membership of the Senate shall be required when so indicated.

**11.6—General; definitions**

When used in the Senate Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning:

(1) The singular always includes the plural.

(2) Except where specifically provided or where the context indicates otherwise, the use of the word "bill," "measure," "question," or "matter" means a bill, joint resolution, concurrent resolution, resolution, or memorial.

(3) In addition to the definition in subsection (2), "matter" also means an amendment, an appointment, or a suspension.

(4) "Introducer" shall mean the first-named Senator on a bill. In the case of a bill originally introduced by a committee, the committee shall be the introducer.

**11.7—Sources of procedural authority**

The latest edition of *Mason's Manual of Legislative Procedure*, *Jefferson's Manual*, or other manuals of comparable legislative application may be consulted, but shall not be binding, when a question of parliamentary procedure is not addressed by the *State Constitution*, these Rules, Joint Rules, or prior rulings of the presidents.

## RULE TWELVE

EXECUTIVE SESSIONS, APPOINTMENTS, SUSPENSIONS, AND REMOVALS

**PART ONE—EXECUTIVE SESSIONS**

**12.1—Executive session; authority**

The business of the Senate shall be transacted openly and not in executive session except under conditions pursuant to Article III, Section 4(b) of the *State Constitution*.

**12.2—Executive session; purpose**

Pursuant to Article III, Section 4(b) of the *State Constitution*, the Senate may resolve itself into executive session for the sole purpose of considering appointment, removal, or suspension. No one shall be in attendance except Senators, the Secretary, and staff as approved by the President, who shall be sworn not to disclose any executive business without consent of the Senate.

**12.3—Executive session; vote required**

When the Senate agrees, by a **majority** of those Senators present, that specified appointments, removals, or suspensions shall be considered in executive session, such shall be calendared for formal consideration by the Senate.

**12.4—Executive session; work product confidentiality**

All information and remarks including committee work product concerning the character and qualification, together with the vote on each appointment, removal, or suspension considered in executive session shall be kept confidential except information on which the bans of confidentiality were lifted by the Senate while in executive session.

**12.5—Executive session; separate Journal**

A separate Journal shall be kept of executive proceedings of the Senate, and no information regarding same shall be made public except by order of the Senate or by order of a court of competent jurisdiction.

**12.6—Violation of Rule**

Violation of the above Rules as to the confidentiality of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for unseating the offending Senator.

**PART TWO—APPOINTMENTS, SUSPENSIONS, AND REMOVALS**

**12.7—Procedure; generally**

Except as otherwise herein provided, on receipt by the Senate of appointments or suspensions on which action by the Senate is required, the President shall refer each to the Ethics and Elections Committee, other appropriate committee or committees, or a special master appointed by the President. Any such committee, subcommittee, or special master shall make inquiry or investigation and hold hearings, as appropriate, and advise the President and the Senate with a recommendation and the necessity for deliberating the subject in executive session. Reports and findings of the committee, subcommittee, or special master appointed pursuant hereto are advisory only and shall be made to the President. The report of the committee, subcommittee, or special master may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or the President may refer it to the Rules Committee for its consideration and report. When the report is presented to the Senate during an open sitting or received by the Rules Committee, the report shall lose its privileged and confidential character.

**12.8—Procedure on executive appointments**

(1) Upon receipt of a request from the Governor or other appointing official or authority for the return of the documentation of an appointment, which appointment has not been acted upon by the Senate, the Secretary, upon consultation with the President, shall return the appointment documentation and the return shall be noted in the Journal. The appointee whose appointment was returned continues in office until the end of the next ensuing regular session of the Legislature or until the Senate confirms a successor, whichever occurs first.

(2) If the appointment returned was made by the Governor, official or authority's predecessor, the appointee shall not be subject to the provisions of section 114.05(1)(e) or (f), *Florida Statutes*, during the period of withdrawal.

(3) If the appointment returned was made by the Governor, official or authority requesting the return, for purposes of section 114.05(1)(e) and (f), *Florida Statutes*, the returned appointment shall be treated as if the Senate failed to consider the appointment.

**12.9—Procedure upon receipt of an executive suspension**

(1) Unless suspension proceedings are held in abeyance, the committee, subcommittee, or special master shall institute action by transmitting a notice of hearing for a prehearing conference or a hearing on the merits within ninety (90) days after the Secretary of the Senate receives the suspension order. The Governor and the suspended official shall be given reasonable notice in writing of any hearing or prehearing conference before the committee, subcommittee, or special master. If the Governor files an amended suspension order, the attention of the Senate, committee, subcommittee, or special master shall be directed to the amended suspension order.

(2) An executive suspension of a public official who has pending against him or her criminal charges, or an executive suspension of a public official that is challenged in a court shall be referred to the Ethics and Elections Committee, other appropriate committee, or special master; however, all inquiry or investigation or hearings thereon shall be held in abeyance and the matter shall not be considered by the Senate, committee, subcommittee, or special master until the pending charges have been dismissed, or until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, and the exhaustion of all appellate remedies for any of the above. The committee, subcommittee, or special master shall institute action within ninety (90) days after the conclusion of any pending proceedings. Notwithstanding an abeyance, the committee, subcommittee, or special master and the Senate may proceed if the written consent of counsel for the Governor and of the suspended official is obtained. Nothing in this Rule shall be interpreted as preventing the Senate from proceeding if the Senate President determines due process so requires.

(3) The committee, subcommittee, or special master may provide for a prehearing conference with counsel for the Governor and the suspended official to narrow the issues involved in the suspension. At such conference, both the Governor and the suspended official shall set forth the names and addresses of all the witnesses they intend to call, the nature of their testimony, photocopies of all documentary evidence, and a description of all physical evidence that will be relied on by the parties at the hearing. Each shall state briefly what each expects to prove by such testimony and evidence. The suspended official may file with the Secretary, no later than ten (10) days prior to the first (1st) prehearing conference, or no later than the date set by the committee, subcommittee, or special master if no prehearing conference is held, all written defenses or matters in avoidance of the charges contained in the suspension order.

(4) When it is advisable, the committee, subcommittee, or special master may request that the Governor file a bill of particulars containing a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after receipt of the Governor's bill of particulars, the suspended officer shall file a response with the committee, subcommittee, or special master. Such response shall specifically admit or deny the facts or circumstances set forth in the Governor's bill of particulars, and may further make such representation of fact and circumstances or assert such further defenses as are responsive to the bill of particulars or as may bear on the matter of the suspension.

(5) The Senate may act on the recommendations of the committee, subcommittee, or special master at any time it is sitting but shall do so no later than the end of the next regular session of the Legislature.

(6) Within sixty (60) days after the Senate has completed final action on the recommendation of the committee, subcommittee, or special master, any party to the suspension matter may request the return, at that party's expense, of any exhibit, document, or other evidence introduced by that party. After the expiration of sixty (60) days from the date the Senate has completed final action, the committee, subcommittee, or special master may dispose of such exhibits or other evidence.

*See* FLA. CONST. art. IV, s. 7(b) Suspensions; filling office during suspensions.

**12.10—Adjudication of guilt not required to remove suspended officer**

For the purposes of Article IV, Section 7(b) of the *State Constitution*, the Senate may find that the suspended official has committed a felony notwithstanding that a court may have withheld adjudication of guilt upon which the suspension order is based in whole or in part.

**12.11—Special master; appointment**

The President may appoint and contract for the services of a special master to perform such duties and make such reports in relation to suspensions and removals as he or she shall prescribe.

**12.12—Special master; floor privilege**

With consent of the President, the special master may have the privilege of the Senate floor to present and explain the report and answer questions as to the law and facts involved.

**12.13—Issuance of subpoenas and process**

The committee, subcommittee, and special master shall each have the authority to request the issuance of subpoenas, subpoenas *duces tecum*, and other necessary process under Rule 2.2. The committee chair, subcommittee chair, and special master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear to testify on matters pending before the committee, subcommittee, or special master.

**12.14—Rule takes precedence**

In any situation where there is a direct conflict between the provisions of Rule Twelve and part V of chapter 112, *Florida Statutes*, Rule Twelve, derived from Article III, Section 4(a) of the *State Constitution*, shall take precedence.

**12.15—Standard of evidence**

A preponderance of the evidence standard shall be used by each Senator when determining whether the suspended official warrants removal based on the grounds alleged by the Governor.

**12.16—Senators speaking publicly**

Because they may be asked to sit in judgment of an executive suspension order, Senators should refrain from speaking publicly about the merits or substance of any suspension order prior to the vote.

**RULE THIRTEEN**

SPECIAL SESSION

**13.1—Applicability of Senate Rules**

All Senate Rules shall apply and govern during special sessions except to the extent expressly modified or specified herein.

**13.2—Sittings of the Senate**

(1) The Senate shall convene pursuant to a schedule provided by the President or at the hour established by the Senate at its last sitting.

(2) A calendar may be published before a special session convenes.

**13.3—Committee meetings; schedule, notice, amendment deadline**

(1) Committee meetings shall be scheduled by the President.

(a) Meetings of committees may be held after notice is published on the Senate website and posted on the Senate side of the fourth (4th) floor Capitol rotunda for two (2) hours in advance of the meeting. If possible, such notice shall appear in the daily calendar.

(b) A committee may meet less than two (2) hours after the convening of a special session if a notice is filed with the Secretary at least two (2) hours before the scheduled meeting time.

(2) The notice shall include the date, time, and place of the meeting together with the name of the introducer, subject, number of each bill or proposed committee bill to be considered, and the amendment deadline for the meeting as provided herein. All other provisions for publication of notice of committee meetings are suspended.

(3) Main amendments shall be filed no later than one (1) hour before the scheduled convening of a committee meeting. Amendments adhering to main amendments shall be filed not later than **thirty (30) minutes** thereafter.

**13.4—Delivery for introduction**

Bills for introduction may be delivered to the Secretary at any time.

**13.5—Committee reports**

(1) Standing committee reports shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the day after the meeting that is not a weekend or state holiday, except a committee drafting and recommending a committee substitute shall file such committee report no later than 4:30 p.m. on the second (2nd) such weekday. These reports must be accompanied by the original bill. Each report by a committee must set forth the identifying number of the bill. If amendments are proposed by the committee, the words "with amendments" shall follow the identifying number. Committee amendments shall be identified by barcode in the report. All bills reported unfavorably shall be laid on the table.

(2) Bills referred to a standing subcommittee shall be reported to the standing committee.

**13.6—Conference committee reports**

(1) The report of a conference committee shall be read to the Senate. Upon completion of the reading and subsequent debate, the vote shall first be:

(a) on adoption or rejection of the conference report and, if adopted, the vote shall then be

(b) on final passage of the measure as amended by the conference report.

Copies of conference committee reports shall be available to the membership two (2) hours prior to the time such report is scheduled to be taken up on the Senate floor.

(2) The report must be acted on as a whole, being adopted or rejected.

(3) Each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(4) Conference committees, other than a conference committee on a general or special appropriations bill and its related legislation, shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

(5) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. In any event, the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either house. Conference committee reports must be approved and signed by a **majority** of the conferees on the part of each house. All final actions taken in a conference committee shall be by motion.

(6) When conferees on the part of the Senate report an inability to agree, any action of the Senate taken prior to such reference to a conference committee shall not preclude further action on said measure as the Senate may determine.

(7) After Senate conferees have been appointed for thirty-six (36) hours and have failed to make a report, it is a motion of the highest privilege to move to discharge said Senate conferees and to appoint new conferees, or to instruct said Senate conferees.

**13.7—Reconsideration**

A motion to reconsider shall be considered when made.

**13.8—Procedure to establish Special Order Calendars**

(1) The Rules Chair, Majority Leader, and Minority Leader shall meet and submit a Special Order Calendar determining the list of bills for consideration by the Senate. The President shall determine the

order in which such bills appear on the published Special Order Calendar.

*See* Rule 4.16—Consideration out of regular order.

(2) Such Special Order Calendar shall be published in one (1) daily calendar and may be considered on the day published. The amendment deadline for bills on the Special Order Calendar shall be 5:00 p.m. or two (2) hours after the Special Order Calendar is announced, or as provided in the Special Order Calendar, whichever occurs later.

(3) Notice of the date, time, and place for the establishment of the Special Order Calendar shall be published on the Senate website and posted on the Senate side of the fourth (4th) floor Capitol rotunda two (2) hours in advance of the meeting. If possible, such notice shall appear in the daily calendar.

## RULE FOURTEEN

SEAL AND INSIGNIA

### 14.1—Seal and insignia

(1) There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter having in the center thereof the current Florida state flag and the current United States flag above a disc containing the words: "In God We Trust" arched above a gavel, quill, and scroll. At the top of the field of flags shall be the word: "Seal." At the bottom shall be the date: "1838." The perimeter of the seal shall contain the words: "Senate" and "State of Florida."

(2) There shall be an official coat of arms for the Senate. The coat of arms shall contain the current Florida state flag and the current United States flag above the Great Seal of Florida. At the base of the coat of arms shall be the words: "The Florida Senate."

(3) All versions of the Senate Seal, the Senate Coat of Arms, official Senate stationery, calling cards, and facsimiles thereof may be used only in connection with official Senate business.

## Senate Rules Appendix A

This document may be consulted by persons seeking to comply with the lobbyist expenditure ban set forth in section 11.045(4)(a), *Florida Statutes*, in the legislative context by refining the law and providing Lobbying Guidelines and answers to 25 Frequently Asked Questions.

Part One of the Guidelines refines and applies the prohibition, with ten clearly stated exceptions, so that Senators and Senate employees cannot directly or indirectly take any "expenditure" from a lobbyist or principal in either the public or private sector.

Part Two of the Guidelines refines and applies the underlying core requirement that "lobbying firms" must publicly disclose the compensation they receive for lobbying activities, and does so in a way that is narrowly tailored, furthers the state's compelling governmental interest in regulating legislative lobbying at the state level, and employs the least intrusive means available to do so.

This document sets out general principles. Outcomes depend heavily on underlying fact patterns that can vary greatly from case to case. Full disclosure of the operative facts must be provided and considered before a proper and correct answer can be derived.

A Senator may request an informal advisory opinion from the Senate General Counsel regarding the application of the law and Rule to a specific situation, on which the legislator may reasonably rely.

The houses of the Legislature are responsible for the administration and enforcement of the legislative lobbying portions of the law. The legislative lobbying expenditure prohibitions are not part of the Florida Code of Ethics for Public Officers and Employees. Neither the Florida Commission on Ethics nor the Florida courts have jurisdiction to interpret these internal matters of the Legislature.

### Part One - Expenditures

**(1) General Guidelines**

a) The Expenditure Prohibition

The law contains a prohibition against lobbyists and principals making direct or *indirect* lobbying expenditures for legislators and legislative employees. It provides:

> [N]o lobbyist or principal shall make, directly or indirectly, and no member or employee of the Legislature shall knowingly accept, directly or indirectly, any *expenditure*.... (emphasis added).

The expenditure prohibition applies only to expenditures made by lobbyists and principals. It applies whether or not the lobbyist, principal, legislator, or legislative employee is in Florida. Florida's gift law, section 112.3148, *Florida Statutes,* continues to apply to gifts to legislators and legislative employees from others.

**Example:** A legislator may accept a subscription to a newspaper or periodical that is neither published by, nor paid for, nor provided by a lobbyist or a principal.

**Example:** A legislator may not accept a free health screening or other personal service provided on behalf of an association that is a principal.

**Example:** A legislator may, as either a member or an invited guest, participate in meetings of, and partake of the food and beverage provided by a civic organization if the organization is not a principal.

The practical effect of this law is to prohibit expenditures for attempting to obtain the goodwill of a member or employee of the Legislature, and it is not designed to prohibit expenditures made in attempting to influence legislative action or non-action through oral or written communication.

b) Definitions

*"Expenditure"* is defined, essentially, as anything of value made by a lobbyist or principal *for the purpose of lobbying*.

*"Lobbying,"* in turn, means: (1) influencing or attempting to influence legislative action through oral or written communication ("active lobbying"); or, (2) attempting to obtain the *goodwill* of a member or employee of the Legislature ("goodwill").

*"Goodwill expenditure"* is a gift, an entertainment, any food or beverage, lodging, travel, or any other item or service of personal benefit to a legislator or legislative employee.

Goodwill expenditures include contributions or donations from a lobbyist or a principal to a charitable organization that is, directly or indirectly, established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof.

A *"lobbyist"* is 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.

*"Personal benefit"* means a profit or gain pertaining to, directed toward, or affecting a person.

A *"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*.

c) Honorarium-related Expenses

It is not permissible to accept from a lobbyist or principal, directly or indirectly, payment or reimbursement of expenses for travel, food, lodging, or beverage, related to speaking engagements or other honorarium-type events.

d) Indirect Expenditures

An indirect expenditure is an expenditure that is not made directly to a legislator or legislative employee, but is made to another with the

purpose that the expenditure be used for the personal benefit of a legislator or legislative employee.

The expenditure prohibition *expressly* prohibits any lobbyist or principal from directing prohibited lobbying expenditures through a surrogate or through any person who by his or her actions or activities is obligated to register as a lobbyist but has failed to do so. Third-party intermediaries, such as employees, members of associations and others, cannot be used to make prohibited expenditures.

Where an item or service (anything of value) is provided to a person *other* than a legislator or legislative employee by a lobbyist or principal and the item or service or the benefit attributable to the item or service ultimately is received by the legislator or employee, and where the item or service is provided with the intent to benefit the legislator or employee, such item or service constitutes a prohibited indirect expenditure to the legislator or employee.

Factors to be considered in determining whether a prohibited indirect expenditure has been made are set out on the following page in the joint functionality test:

**TEST FOR DETERMINING LEGALITY OF AN INDIRECT EXPENDITURE**

(1) The existence or nonexistence of communications by the lobbyist or principal indicating the lobbyist's or principal's intent to make or convey the item or service, or a personal benefit attributable to the item or service, to a legislator or employee rather than to the intervening third person;

(2) The existence or nonexistence of communications by the intervening third person indicating the intent to make or convey the lobbyist's or principal's item or service, or a personal benefit attributable to the item or service, to a legislator or employee rather than to the third person;

(3) The existence or nonexistence of any relationship between the lobbyist or principal and the third person, independent of the relationship between the lobbyist or principal and a legislator or employee, that would motivate the transfer to the third person;

(4) The existence or nonexistence of any relationship between the third person and a legislator or employee that would motivate the transfer;

(5) Whether the same or similar items or services have been or are being provided to other persons having the same relationship to the lobbyist or principal as the third person;

(6) Whether, under the circumstances, the third person had full and independent decision-making authority to determine whether a legislator or employee, or another, would receive the items or services, or a personal benefit attributable to the items or services;

(7) Whether the third person was acting with the knowledge or consent of, or under the direction of, the lobbyist or principal;

(8) Whether there were payments or the intention for any payments or bookkeeping transactions between the third person and the lobbyist or principal, reimbursing the third person for the items or services;

(9) The degree of ownership or control the lobbyist or principal had over the third person; and

(10) Whether a lobbyist or principal knew, or should have known, that an item or service provided to a third party would be used to provide a personal benefit to a legislator or employee, such as for the funding of a legislative reception or an event to be attended by legislators or employees.

The following examples illustrate some of the applications of the foregoing indirect expenditure criteria:

**Example 1:** A law firm which lobbies the Legislature invites all of its attorneys to attend a weekend retreat. The attorneys are encouraged to bring their spouses or significant others at the firm's expense. Legislator C is married to an attorney in the firm and has been asked by her spouse to attend the retreat. The lodging provided to Legislator C for the retreat, food and drink, firm t-shirts, and the like would be considered a gift to her from her spouse and thus not a prohibited indirect expenditure, because the firm's invitation was extended to Legislator C's spouse by virtue of his employment with the firm.

**Example 2:** Legislator D hosts a fox hunt attended by legislators and lobbyists. Lobbyists give money to a third person, who is not a legislator or a legislative employee, to pay for the food and beverages which will be served at the fox hunt. The third party orders and prepares the food and beverages. The money provided to the third person by the lobbyists would be a prohibited indirect expenditure to Legislator D because it was given with the intent of benefiting him and his guests at the fox hunt.

**Example 3:** Legislator N and spouse have arranged to take a vacation trip together. A legislative lobbyist meets with Legislator N's spouse and offers to pay for the spouse's travel expenses. The lobbyist and Legislator N's spouse know each other only through the lobbyist's involvement with the legislator. This would constitute a prohibited indirect expenditure to Legislator N.

e) Equal or Greater Compensation

An expenditure is not prohibited when equal or greater value is given contemporaneously by the recipient to the donor.

Therefore, it is not an expenditure if:

1. The fair market value of the event, meeting, or other activity, including any food, beverage, transportation, lodging, or any other thing of value, can readily be determined, and

2. The legislator or legislative employee pays his or her pro rata share of the total fair market value to the person or organization hosting the event contemporaneously with the time of attending or participating in the event.

Thus, if a lobbyist or principal provides $35 worth of goods or services to a legislator or legislative employee but the legislator or legislative employee *contemporaneously* provides *equal or greater consideration*, the lobbyist or principal has not provided *anything of value,* thus, there is no "expenditure."

f) Valuation

The law is silent as to the *valuation* of goods and services. *Fair market value* is the proper and applicable standard of valuation.

The retail price of an item or service is presumed to be its fair market value so long as it is reasonable in relation to the value of the item or service and the amount is not subsidized by a lobbyist or principal.

In valuing an expenditure, you may exclude the amount of additional expenses that are regularly required as a condition precedent to the donor's eligibility to make the expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying, and is either primarily for the benefit of the donor or is paid to a charitable organization. Initiation fees and membership fees are examples of additional expenses that are regularly required as conditions precedent for eligibility to make an expenditure. Transportation expenses incurred to bring a member to an out-of-town event are not.

Entrance fees, admission fees, or tickets are normally valued on the face value or on a daily or per event basis. The portion of a ticket attributable to a charitable contribution is not included in the value. Conversely, if the ticket is subsidized by contributions of lobbyists or principals, the pro rata subsidized amount must be attributed to the face value.

A person providing transportation in a private automobile shall be considered to be making an expenditure at the then-current statutory reimbursement rate. The value of transportation provided in other private conveyances must be calculated on its fair market value.

g) Exceptions

1. Relatives

A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, grandparent, grandchild, great grandparent, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

This definition of "relative" is taken from former Joint Rule 1.4(4)(b), and has operated historically as an exception to the presumption that things of value given to a legislator or employee by a lobbyist or principal are intended for the purpose of engendering goodwill.

**Example:** A legislator is permitted to accept a Christmas gift from an aunt, even if she is a lobbyist. The gift is not deemed an expenditure made for the purpose of lobbying because of the family relationship between the donor and the donee.

2. Employment-related Compensation and Benefits

Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the recipient's employment, business, or service as an officer or director of a corporation or organization are not prohibited expenditures so long as they are given in an amount commensurate with other similarly situated employees, officers, or directors.

These sorts of expenditures are currently also excepted from the definition of a gift in section 112.312(12)(b), *Florida Statutes,* and are a necessary exception in order for many legislators to continue their employment or continue their service on boards and continue to serve in Florida's citizen Legislature.

**Example:** A legislator who is on the board of directors of an organization that has a lobbyist is nevertheless permitted to partake of food and beverage provided to the board members by the organization at its board meetings.

3. Political Organizations and Entities

An expenditure does not include contributions or expenditures reported pursuant to chapter 106, *Florida Statutes,* or its federal law counterpart; campaign-related personal services provided without compensation by individuals volunteering their time; any other contribution or expenditure made by a chapter 106 entity such as a candidate campaign, political committee, organization making electioneering communications, political party, or an entity qualified under section 501(c)(4) or section 527 of the Internal Revenue Code.

Members are cautioned that these organizations or entities may not be used as a vehicle for skirting the lobbying expenditure law. To the extent that funds come from lobbyists or principals, one should exercise great care that the expenditures are legal and appropriate for that particular organization or entity.

4. Communications Expenses

The expenditure prohibitions in the law do not reach expenditures made by a lobbyist or principal for items such as "media advertising," "publications," "communications," and "research."

Expenditures for researching, gathering, collating, organizing, providing, or disseminating information for the *exclusive* purpose of "active lobbying" (influencing or attempting to influence legislative action through oral or written communication) are necessary for Floridians to be able to "instruct their representatives."

5. Office and Personal Expenses of Lobbyists and Principals

"Office expenses" and personal expenses of the lobbyist or principal for "travel," "lodging," and "food and beverages" as those items were defined in former Joint Rule 1.4(4)(c) are exempt from the prohibition on lobbying expenditures. This category does not include any expenses for legislators, legislative employees, or persons whose expenses would be attributed to them.

6. Government to Government Expenditures

Real property or a facility owned or operated by a state or local public agency or entity that is a lobbying principal and transportation to, from, and at the location provided by that agency or entity may, with the prior approval of the respective state legislative presiding officer or his or her designee, be used without payment, by a member, committee, or staff of the Legislature for a public legislative purpose. Such purposes include publicly noticed legislative committee meetings and site visits to operations conducted by the public agency or entity. Allowable free uses also specifically include legislative district offices and sub-offices and the normally attendant utilities, parking, janitorial services, building maintenance, and telecommunications equipment and services common to a government building in which the office is located. Allowable free use does not extend to sports or entertainment venues; does not include food, beverages, or entertainment; and does not include free parking privileges at any location other than a district office or sub-office.

7. Free and Open Public Events

Expenditures directly associated with events that are held within the Capitol complex, out-of-doors or under temporary shelter, open to the general public, widely and publicly noticed, free to all, not ticketed, and for which equal and totally unobstructed access to the general public is provided, are not prohibited expenditures made by lobbyists or principals, or when accepted by legislators or legislative employees.

**Example:** Atlas County, Florida, is holding Atlas Day in the plaza between the Capitol and the Historic Capitol. Lunch is served to all comers. The event was widely publicized and access to the event and the food and beverage is totally unobstructed. Legislators may partake as well.

8. Regional and National Legislative Organizations

The prohibition does not apply to expenditures made directly or indirectly by a state, regional, or national organization that promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff to members of that organization or to officials or staff of the Legislature. This exception does not include extracurricular activities, entertainments, or items or services provided at conferences that are paid for or provided by a lobbyist or principal.

9. Monetary Value Impossible to Ascertain

The value of some items is *truly impossible* to quantify at the time of the expenditure. Expenditures for which a monetary value is not ascertainable at the time of the expenditure are not prohibited. Examples are: appearing on a news show or having a feature article about a legislator in a trade magazine or other medium, applause received by a legislator at an event, obtaining priority seating in a crowded restaurant or priority for obtaining services where there is an established queue, or the pro-rata portion of a host's monthly or annual membership in an exclusive supper club.

10. Plaques and Certificates

The prohibition does not apply to personalized wall plaques, personalized photographs, or personalized certificates that have no substantial inherent value other than recognizing the donee's public, civic, charitable, or professional service.

h) Effect of Other Laws and Rules

To the extent that an expenditure is excluded or exempt from the lobbying prohibition in section 11.045, *Florida Statutes, it is still subject to the restrictions and requirements in other statutes: most notably, the gift law (section 112.3148, Florida Statutes) and the campaign finance law (chapter 106, Florida Statutes).*

**(2) Frequently Asked Questions**

LEGISLATIVE EVENTS/RECEPTIONS

*1. Question: Can a county legislative delegation or delegation office sponsor an annual event in Tallahassee on public grounds or in quarters*

*belonging to either the Senate or the House of Representatives (i.e., "Flavors of Hillsborough")?*

**ANSWER:** A county legislative delegation may host an annual event in Tallahassee *provided* that no free food, beverages, or other personal benefits to a legislator or legislative employee are paid for or provided by a lobbyist or principal, either directly or indirectly.

Legislators and legislative staff may pay an amount established and published by the delegation as the per-person cost of the event, or they may "pop in" and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the delegation may make the event a free, open public event as described in Paragraph (1)g)7. above.

*2. Question: Can a legislator or legislative employee go up to the 22nd floor of the Capitol and partake of free food and drink provided by an organization hosting a luncheon or event at the Capitol?*

**ANSWER:** It depends. Yes, provided the organization hosting the event is not a principal *and* none of the food and beverages are paid for or provided by a lobbyist or principal. Otherwise, the legislator or legislative employee could attend the event but could not partake of the free food or beverages or they can pay the fair market value of what they consume.

*3. Question: Can "legislative days" that provide food, beverages, entertainment, and other personal benefits to legislators or legislative employees during the session and are hosted by counties, cities, universities, and others that employ a lobbyist continue?*

**ANSWER:** "Legislative days" and other legislative events funded by lobbyist or principal dollars may continue *provided* no free food, drink, entertainment, or other personal benefit is provided to a legislator or legislative employee, either directly or indirectly. Any such benefit would be a prohibited goodwill expenditure.

Legislators and legislative staff may pay an amount established and published by the sponsor as the per-person cost of the event, or they may "pop in" and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the sponsor may make the event a free, open public event as described in Paragraph (1)g)7. above.

*4. Question: Can a not-for-profit organization host receptions and events for legislators that provide food, beverages, entertainment, and other personal benefits to legislators or legislative employees through contributions solicited from lobbyists or principals who sponsor the reception or event?*

**ANSWER:** The charity may host a reception or event for legislators and legislative employees *provided* that no free food, beverages, entertainment, or other personal benefit is provided to a legislator or legislative employee from the funds of lobbyists or principals.

Legislators and legislative employees may pay an amount established and published by the sponsor as the per-person cost of the event, or they may "pop in" and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the sponsor may make the event a free, open public event as described in Paragraph (1)g)7. above.

*5. Question: Can a lobbyist or principal host an event with food, beverages, entertainment, or other personal benefit for legislators or legislative employees and collect from each legislator or legislative employee, a flat, per-person entrance fee based on the total cost to plan, produce, stage, and clean up after the event, divided by the number of persons reasonably expected to attend?*

**ANSWER:** Yes.

*6. Question: Each year, a few associations host legislative receptions/BBQs and invite their members as well as legislators. They usually pass out campaign funds at these events to those who support their industry. Would it now be legal to host this event if it were called a "fundraiser?" Could legislators then accept free food and beverages at the event?*

**ANSWER:** Senate Rule 1.361 precludes a senator, and House Rule 15.3 precludes a representative, from accepting a campaign contribution during a regular or special session, in addition to prohibiting them from accepting contributions on behalf of a section 527 or section 501(c)(4) organization, a political committee, a political party, or the campaign of any other senatorial candidate or candidate for representative, respectively. Thus, any fundraiser held during a regular or special session would violate the rules of each house.

Fundraisers not held during a regular or special session are outside the purview of the expenditure prohibitions in the law. A goodwill lobbying expenditure does not include contributions or expenditures reported pursuant to chapter 106, *Florida Statutes.* However, if the facts and circumstances demonstrate that calling the event a "fundraiser" is merely an artifice for lobbyists or principals to provide free gifts, food, beverages, and other items or services of personal benefit to a legislator, not associated with influencing the results of an election, then the fundraiser would violate the expenditure prohibition of the new law. Note, also, that fundraisers remain subject to the contribution restrictions and requirements of Florida's campaign finance law (chapter 106, *Florida Statutes*).

HONORARIA EXPENSES

*7. Question: Can a lobbyist or principal continue to pay or reimburse a legislator's or legislative employee's expenses for such items as food and beverages, travel, and lodging associated with an honorarium event?*

**ANSWER:** No.

GIFTS TO LEGISLATORS

*8. Question: Can a school child give a legislator a painting that he or she has made?*

**ANSWER:** Yes. The prohibition against lobbying expenditures only applies to lobbyists and principals, and those acting on their behalf.

*9. Question: Can a school student whose parent is a lobbyist or principal give a scarf that was purchased by the child's parent to a legislator as a gift?*

**ANSWER:** It depends. The lobbying expenditure prohibition applies to all gifts from lobbyists or principals to legislators, directly or *indirectly*. A lobbyist or principal cannot use a third-party intermediary to circumvent the lobbying expenditure prohibition. Thus, if the facts and circumstances demonstrate that the scarf is an indirect gift from the lobbyist or principal to the legislator, it would be prohibited.

*10. Question: Can a legislator accept rent-free office space and associated building services from a city, county, or community college in his or her district that employs or retains a lobbyist?*

**ANSWER:** Yes. See Paragraph (1)g)6. above for explanation and limitations.

*11. Question: Can a legislator or legislative staff accept transportation services from another governmental entity?*

**ANSWER:** Yes. See Paragraph (1)g)6. above for explanation and limitations.

*12. Question: Are there any value limitations on the exceptions in the law for "floral arrangements or other celebratory items given to legislators and displayed in chambers on the opening day of a regular session"?*

**ANSWER:** Yes. All opening day flowers and floral arrangements are subject to the limitations and requirements of the gift law (section 112.3148, *Florida Statutes*). No other celebratory items will be allowed in either chamber on opening day of the regular session.

FOOD AND BEVERAGES/GIFTS

*13. Question: Can a legislator or legislative employee and his or her spouse have dinner with a lobbyist friend the legislator or legislative employee has known for 30 years at the lobbyist's home, whether or not active lobbying occurs?*

**ANSWER:** Yes, *provided* the legislator or legislative employee contemporaneously provides the lobbyist with the pro rata share of the total fair market value of the cost of the food and beverages provided to the legislator or legislative employee and his or her spouse, either in cash or barter (i.e., bottle of wine, flowers). Otherwise, the expenditure for food and beverages would constitute a prohibited goodwill ex-

penditure, irrespective of the extent of the legislator's and lobbyist's friendship.

*14. Question: Can a lobbyist or principal and legislator or legislative employee have dinner at a public restaurant?*

**ANSWER:** Yes, *provided* the dinner is "Dutch treat."

*15. Question: Can a lobbyist or principal and a legislator or legislative employee have dinner "Dutch treat" at the Governor's Club?*

**ANSWER:** Yes, *provided* the legislator or legislative employee pays the total cost of all food and beverage that he or she was served or consumed, or that was served to or consumed by a person whose expenditures are attributed to the legislator or legislative employee.

*16. Question: Can a lobbyist's business partner, employee, spouse, or child, who is not a registered lobbyist, accompany the lobbyist and legislator or legislative employee to dinner and pay for all the food and beverages if the partner, employee, spouse, or child does not actively lobby?*

**ANSWER:** No. The lobbying expenditure prohibition applies to all food and beverages provided by lobbyists or principals to legislators or legislative employees, directly or *indirectly*. A lobbyist or principal cannot utilize a third-party intermediary to channel gifts to legislators to circumvent the lobbying expenditure prohibition.

*17. Question: If someone offers a legislator or legislative employee a drink at a bar, or any other gift or personal benefit, does the legislator or legislative employee have a duty to inquire if the donor is a lobbyist or principal?*

**ANSWER:** Yes. A legislator or legislative employee is liable for *knowingly* accepting an expenditure from a lobbyist or principal, or someone acting on behalf of a lobbyist or principal. "Knowingly" has many statutory definitions, including that a person: (1) has *actual knowledge* of the information; (2) acts in *deliberate ignorance* of the truth or falsity of the information; or, (3) acts in *reckless disregard* of the truth or falsity of the information. Therefore, prudence dictates that the legislator or legislative employee, at a minimum, make *reasonable inquiry* as to the source of the proposed expenditure to determine whether it is prohibited. *Reasonableness* will turn on the facts and circumstances of each individual situation.

For example, a legislator receiving an invitation to an event to be held the next week, from an organization he or she is not familiar with would likely require that the legislator, *at a minimum*, consult the online directory of legislative principals and lobbyists, and perhaps make further inquiry if facts or circumstances come to light indicating that the organization might be making the expenditure on behalf of a lobbyist or principal. Similarly, a legislator offered a drink from someone he or she doesn't know in a Tallahassee bar or restaurant generally known to be frequented by lobbyists would probably be required, *at a minimum*, to ask whether the person is a lobbyist or principal or affiliated with a lobbyist or principal. On the other hand, a Miami legislator on personal holiday with his or her spouse at Busch Gardens in Tampa, who strikes up a friendship with a couple they don't know visiting from Colorado and who subsequently offers to pay for the legislator's and spouse's dinner probably has less of a duty to inquire whether either member of the couple is a Florida lobbyist or principal.

CHARITIES

*18. Question: Can a legislator or legislative employee raise funds from lobbyists or principals for charitable causes?*

**ANSWER:** Yes, *provided* the charity for which funds are sought is not directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof. Otherwise, such a contribution or donation would constitute a prohibited goodwill expenditure.

*19. Question: Can a legislator or legislative employee establish or operate a charitable foundation that relies on lobbyist or principal support?*

**ANSWER:** No. A legislator or legislative employee may establish or operate a charitable organization but none of the money contributed or donated to the charity may be from lobbyists or principals. Such a contribution or donation would constitute a prohibited goodwill expenditure.

*20. Question: Can a legislator or legislative employee sit on the board of a charitable organization that is not established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof? Can he or she accept free food and beverages provided by the charity and be reimbursed by the charity for expenses associated with the work of the charity (i.e., travel, lodging)?*

**ANSWER:** Yes. A legislator or legislative employee may sit on the board of a charitable organization that receives donations and contributions from lobbyists, and may partake of free food, beverages, and other personal benefits provided by the charity to board members in connection with their service, including reimbursement of personal expenses incurred by board members in furtherance of the charity's work. A goodwill expenditure does not include salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with a legislator's or legislative employee's employment, business, or service as an officer or director of a corporation or organization. *However*, any such salary, benefit, services, fees, commissions, gifts, or expenses cannot be from funds earmarked by lobbyists or principals to the charity for such purpose and must be received only for the legislator's or legislative employee's service as a member of the board.

*21. Question: Can a legislative caucus that is established as a nonprofit group raise funds from lobbyists for its charitable causes?*

**ANSWER:** It depends. If the legislative caucus or the nonprofit group is directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, then the answer is no.

If the legislative caucus or the nonprofit group is not directly or indirectly established by, organized by, or operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, then the answer is yes.

*22. Question: Can a legislative caucus that is established as a nonprofit group host its own charity golf tournament funded by lobbyist or principal "sponsors" at a private club, where the cost of sponsorship buys an opportunity to play golf with a member of the caucus, and to make a presentation to the caucus before and after the event?*

**ANSWER:** Yes, provided the legislative caucus or the nonprofit group is not directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, and the legislators and legislative employees pay their own golf fees and the per-person cost for food and beverage.

OTHER

*23. Question: What happens when a legislator is married to, related to, or living with a lobbyist? Can the lobbyist pay for meals, lodging, etc.?*

**ANSWER:** Yes, *provided* the lobbyist does not use the expenditure to actively lobby the legislator. Expenditures by "relatives" of a legislator for food, lodging, travel, and the like are specifically exempt from the definition of a goodwill expenditure.

*24. Question: Can a legislator be employed by a lobbyist or principal? Can a legislator go to the employer's retreat and partake of food and beverages?*

**ANSWER:** Yes. A goodwill expenditure does not include salary, benefits, services, fees, commissions, gifts, or expenses *associated primarily with a legislator's or legislative employee's employment*, business, or service as an officer or director of a corporation or organization.

*25. Question: Where a lobbyist or principal leaves a gift, such as a box of chocolates, in a legislator's office, what should the legislator do with the item?*

**ANSWER:** When a legislator or legislative employee receives an item that they believe violates the prohibition against accepting an expenditure from a lobbyist or principal, the item must either be sent back to the donor or delivered to the Sergeant at Arms for disposal.

**Part Two - Compensation**

**(1) General Guidelines**

The law requires the reporting of *compensation* received by *lobbying firms* for each calendar quarter, both in the aggregate and for each individual principal. Much of the reporting is done in dollar categories; however, if compensation from a single principal is $50,000 or more in a calendar quarter, the lobbying firm must report the specific dollar amount of the compensation, rounded to the nearest $1,000.

A "lobbying firm" is any business entity with a lobbyist, or an individual contract lobbyist, who gets paid to lobby for a principal. It is the lobbying firm that must report, *not the individual lobbyists in the firm* (except in the case of an individual contract lobbyist, where the lobbyist also comprises the entire lobbying firm).

Reports are due no later than 45 days after the end of each calendar quarter. Compensation reports must be filed electronically using the online filing system of the Office of Legislative Services.

The law requires the senior partner, officer, or owner of the lobbying firm to certify to the veracity and completeness of each compensation report. This requirement is designed to discourage the mischaracterization and thus omission of reportable compensation through designations such as "media fees," "consulting services," "professional services," "governmental services," and other such artifices.

For example, if a law firm were paid a lump sum for rendering multiple types of services to a client, only one of which is lobbying, then the person certifying the report is responsible for properly and reasonably allocating the portion of the total fee received for lobbying activities and for activities other than lobbying. Only the compensation received for *lobbying* activities is to be reported on the compensation form.

The Legislature will use random audits supplemented by the lobbyist disciplinary process to hold the person certifying the compensation report and the lobbying firm accountable for making a true, complete, properly allocated report as required by law. In addition, the certification brings every compensation report filer within the scope of potential criminal penalties in section 837.06, *Florida Statutes,* for culpable violations.

**(2) Frequently Asked Questions**

*1. Question: Is an in-house, salaried lobbyist for an association, a governmental entity, or a corporation that does not derive income from principals for lobbying required to report compensation?*

**ANSWER:** No. An association, a governmental entity, a corporation or other business entity that does not derive income from principals for lobbying, and its employee lobbyists, are not a "lobbying firm" as defined in section 11.045(1)(f), *Florida Statutes.* Only "lobbying firms" must report compensation as provided in section 11.045(3)(a), *Florida Statutes.*

*2. Question: Does the prohibition against providing compensation to an individual or business entity that is not a lobbying firm mean that in-house lobbyists must either become a lobbying firm or cease lobbying?*

**ANSWER:** No. The provision in question merely clarifies that reportable "compensation" under the law must be provided to a "lobbying firm," and not contracted or subcontracted through some "straw man" to circumvent compensation reporting requirements. The provision in question clarifies and emphasizes the statutory definition of "compensation" in section 11.045(1)(b), *Florida Statutes*, as "anything of value provided or owed to a *lobbying firm*."

## COMMITTEES OF THE SENATE

(As released December 5, 2022)

**Agriculture**

Senator Collins, Chair; Senator Boyd, Vice Chair; Senators Baxley, Berman, Grall, Mayfield, Rouson, Simon, and Thompson

**Appropriations**

Senator Broxson, Chair; Senator Rouson, Vice Chair; Senators Avila, Baxley, Book, Bradley, Brodeur, Burgess, Davis, Grall, Gruters, Harrell, Hooper, Ingoglia, Martin, Perry, Pizzo, Polsky, and Powell

**Appropriations Committee on Agriculture, Environment, and General Government**

Senator Brodeur, Chair; Senator Berman, Vice Chair; Senators Albritton, Boyd, DiCeglie, Garcia, Grall, Gruters, Mayfield, Osgood, Polsky, Rodriguez, Stewart, and Trumbull

**Appropriations Committee on Criminal and Civil Justice**

Senator Bradley, Chair; Senator Powell, Vice Chair; Senators Baxley, Burgess, Hooper, Ingoglia, Martin, Pizzo, Rouson, Torres, Wright, and Yarborough

**Appropriations Committee on Education**

Senator Perry, Chair; Senator Jones, Vice Chair; Senators Avila, Book, Broxson, Burton, Calatayud, Collins, Davis, Harrell, Hutson, Simon, and Thompson

**Appropriations Committee on Health and Human Services**

Senator Harrell, Chair; Senator Garcia, Vice Chair; Senators Avila, Baxley, Book, Bradley, Brodeur, Burgess, Burton, Calatayud, Davis, Gruters, Martin, Osgood, Rouson, and Simon

**Appropriations Committee on Transportation, Tourism, and Economic Development**

Senator Hooper, Chair; Senator Trumbull, Vice Chair; Senators Collins, DiCeglie, Grall, Perry, Polsky, Powell, Stewart, Thompson, Wright, and Yarborough

**Banking and Insurance**

Senator Boyd, Chair; Senator DiCeglie, Vice Chair; Senators Broxson, Burgess, Burton, Hutson, Ingoglia, Mayfield, Powell, Thompson, Torres, and Trumbull

**Children, Families, and Elder Affairs**

Senator Garcia, Chair; Senator Thompson, Vice Chair; Senators Baxley, Book, Bradley, Brodeur, Ingoglia, and Rouson

**Commerce and Tourism**

Senator Trumbull, Chair; Senator Wright, Vice Chair; Senators DiCeglie, Gruters, Hooper, Hutson, Jones, Rodriguez, Stewart, and Torres

**Community Affairs**

Senator Calatayud, Chair; Senator Osgood, Vice Chair; Senators Baxley, Berman, Bradley, Brodeur, Gruters, Martin, and Pizzo

**Criminal Justice**

Senator Martin, Chair; Senator Bradley, Vice Chair; Senators Ingoglia, Perry, Pizzo, Polsky, Powell, and Yarborough

**Education Postsecondary**

Senator Grall, Chair; Senator Stewart, Vice Chair; Senators Book, Collins, Garcia, Harrell, Jones, Perry, Simon, and Yarborough

**Education Pre-K - 12**

Senator Simon, Chair; Senator Burgess, Vice Chair; Senators Avila, Berman, Calatayud, Collins, Grall, Hutson, Jones, Osgood, Perry, and Yarborough

**Environment and Natural Resources**

Senator Rodriguez, Chair; Senator Harrell, Vice Chair; Senators Albritton, Martin, Mayfield, Polsky, Powell, Stewart, and Wright

**Ethics and Elections**

Senator Burgess, Chair; Senator Rouson, Vice Chair; Senators Avila, Garcia, Grall, Ingoglia, Martin, Mayfield, Polsky, and Powell

**Finance and Tax**

Senator Ingoglia, Chair; Senator Rodriguez, Vice Chair; Senators Albritton, Berman, Boyd, Broxson, Hutson, Jones, Mayfield, Pizzo, and Torres

**Fiscal Policy**

Senator Hutson, Chair; Senator Stewart, Vice Chair; Senators Albritton, Berman, Boyd, Burton, Calatayud, Collins, DiCeglie, Garcia, Jones, Mayfield, Osgood, Rodriguez, Simon, Thompson, Torres, Trumbull, Wright, and Yarborough

**Governmental Oversight and Accountability**

Senator Avila, Chair; Senator Polsky, Vice Chair; Senators Albritton, Davis, Hooper, Rodriguez, Rouson, and Wright

**Health Policy**

Senator Burton, Chair; Senator Brodeur, Vice Chair; Senators Albritton, Avila, Book, Broxson, Burgess, Calatayud, Davis, Garcia, Harrell, and Osgood

**Judiciary**

Senator Yarborough, Chair; Senator Burton, Vice Chair; Senators Albritton, Baxley, Book, Boyd, Broxson, DiCeglie, Harrell, Stewart, Thompson, and Trumbull

**Military and Veterans Affairs, Space, and Domestic Security**

Senator Wright, Chair; Senator Torres, Vice Chair; Senators Berman, Calatayud, Collins, Pizzo, and Rodriguez

**Reapportionment**

(Membership to be considered at a later date, if needed.)

**Regulated Industries**

Senator Gruters, Chair; Senator Hooper, Vice Chair; Senators Bradley, Brodeur, Davis, Hutson, Jones, Osgood, Perry, and Simon

**Rules**

Senator Mayfield, Chair; Senator Perry, Vice Chair; Senators Baxley, Book, Boyd, Brodeur, Broxson, Burgess, Burton, DiCeglie, Garcia, Hooper, Hutson, Jones, Osgood, Rodriguez, Rouson, Simon, Torres, and Yarborough

**Transportation**

Senator DiCeglie, Chair; Senator Davis, Vice Chair; Senators Boyd, Broxson, Burton, Gruters, Hooper, Pizzo, Torres, and Trumbull

**Select Committees:**

**Select Committee on Resiliency**

Senator Albritton, Chair; Senator Pizzo, Vice Chair; Senators Avila, Berman, Bradley, Calatayud, Collins, Davis, Grall, Gruters, Harrell, Ingoglia, Martin, Polsky, Powell, Stewart, Thompson, Trumbull, and Wright

**Joint Legislative Committees:**

**Joint Administrative Procedures Committee**

Senator Ingoglia, Alternating Chair; Senators Burton, Grall, Osgood, and Rouson

**Joint Committee on Public Counsel Oversight**

Senator Gruters, Alternating Chair; Senators Burgess, Powell, Thompson, and Yarborough

**Joint Legislative Auditing Committee**

Senator Pizzo, Alternating Chair; Senators Brodeur, Davis, DiCeglie, and Simon

**Joint Select Committee on Collective Bargaining**

Senator Avila, Alternating Chair; Senators Collins, Hooper, Stewart, and Torres

**Other Legislative Entity:**

**Joint Legislative Budget Commission**

Senator Broxson, Alternating Chair; Senators Albritton, Book, Hutson, Mayfield, Perry, and Powell

## ADJOURNMENT

On motion by Senator Mayfield, the Senate adjourned at 10:43 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:30 a.m., Tuesday, December 13 or upon call of the President.