



# Journal of the Senate

ORGANIZATION SESSION

Tuesday, November 19, 1996

**Journal of the Senate for the Fifteenth Organization Session of the Legislature of Florida to be convened under the Florida Constitution, as revised in 1968, and subsequently amended, begun and held at the Capitol, in the City of Tallahassee, Florida, on Tuesday, the Nineteenth day of November, A.D., 1996, being the day fixed by the Constitution for the purpose of organization.**

## CALL TO ORDER

The Senate was called to order by President James A. Scott at 10:00 a.m.

## DEVOTIONAL

The following devotional was offered by Carolyn Fennell, Director of Community Relations for the Greater Orlando Aviation Authority.

To everything there is a season and a time to every purpose.

Heavenly Father, we thank you for this season of Thanksgiving, joyous celebration, reflection, and focus. Today, we particularly give thanks for the presence of this distinguished elected body and its President.

By their presence they have been charged as gatekeepers of this government, this democracy, this state existing by and for the people; a people who depend on the courage, strength and wisdom of those elected to maintain what is still a government model for the rest of the world.

Help us to remember that while each person represents a particular and separate constituency, it requires the strength of the body to bring about change. We ask for your divine guidance as we forge a new future for the next millennium, for it will be one not built with just bridges, roads, airports or infrastructure, but a future built with the understanding that:

It is time:

To put aside the potential poison of partisan politics for the spirit of seeking bipartisan consensus and compromise.

It is time:

To work towards the removal of the *isms* and the malignancy of mean-spiritedness that divides, for the passing of meaningful measures that bring peace in our neighborhoods and unify a state that will continue to be known for its spirit of joy and well-being.

It is time:

To cautiously avoid reforms or quick fixes that provide prisons in lieu of prevention, training, education and mentoring . . . and with pragmatism, provide the environment for economic growth and parity.

Help us to appreciate that there will never be another time like this, a time when, as we stand on the brink and the dawn of a new century, we depend on each individual of this august body to know that our children equal our destiny, our seniors our legacy.

So we seek your guidance in the decisions that will be made by these stewards of our state. May they be mindful of the responsibility of maintaining the treasure and abundance of both natural and manmade attractions that bring millions of visitors to our state for the economic well-being of many.

As gatekeepers, there's an awesome responsibility in this time of transition. We ask for your guidance so that these specially chosen will have the courage to help lay a foundation for a global community that replaces violence with values and ingrained apathy with inclusive involvement. Michael Harrington, in *The Other America*, wrote: "One cannot raise the bottom of a society without benefiting everyone above."

Finally, we are reminded that life is lived in seasons. My winter of despair can be another's autumn of harvest and abundance. One's spring of hope and opportunity can be another's summer of peace and jubilation. We all have our seasons.

We particularly ask for your blessings for this dynamic leader, President Jennings, who knows her place: As a builder of infrastructure she shows her purpose as she begins to build a coalition of men and women. We ask for your continued blessings, that following this special time of recognition and service, each member will seek the strength, comfort and peace that comes with serving *todas las personas*, all of the people, of the great State of Florida. It is their season; it is her time; this is our Thanksgiving! Amen.

## PLEDGE

Senator Dyer led the Senate in the pledge of allegiance to the flag of the United States of America.

## CERTIFICATE RECEIVED

The Acting Secretary announced that The Honorable Sandra B. Mortham, Secretary of State, had certified to the election of 21 Senators as follows:

### STATE OF FLORIDA OFFICE OF SECRETARY OF STATE

I, Sandra B. Mortham, Secretary of State of the State of Florida, do hereby certify that the following Members of the State Senate were elected at the General Election held on the Fifth day of November, A.D., 1996, as shown by the election returns on file in this office:

### SENATE DISTRICT NUMBER

1	W. D. Childers, Pensacola
3	Pat Thomas, Quincy
5	George Kirkpatrick, Gainesville
7	Charlie Clary, Destin
9	Toni Jennings, Orlando
11	Anna Cowin, Leesburg
13	John Grant, Tampa
15	Patsy Ann Kurth, Malabar
17	Rick Dantzler, Winter Haven
19	Jack Latvala, Palm Harbor
21	James T. (Jim) Hargrett, Jr., Tampa
23	Tom Lee, Brandon
25	Fred R. Dudley, Bonita Springs
27	William G. (Doc) Myers, Hobe Sound

28	Ron Klein, Boca Raton
29	Ken Jenne, Fort Lauderdale
31	Jim Scott, Fort Lauderdale
33	Walter (Skip) Campbell, Fort Lauderdale
35	Tom Rossin, West Palm Beach
37	Mario Diaz-Balart, Miami
39	Roberto Casas, Hialeah



GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this 13th day of November, A.D., 1996.

*Sandra B. Mortham*  
SECRETARY OF STATE

The oath of office was administered by The Honorable Charles T. Wells, Justice, Florida Supreme Court, to the recently elected Senators.

The roll of the Senate, as then constituted by the 21 newly elected members and 19 holdover members was called by the Acting Secretary in alphabetical order and the following members of the Senate were recorded present:

Bankhead	Dantzler	Horne	Meadows
Bronson	Diaz-Balart	Jenne	Myers
Brown-Waite	Dudley	Jennings	Ostalkiewicz
Burt	Dyer	Jones	Rossin
Campbell	Forman	Kirkpatrick	Scott
Casas	Grant	Klein	Silver
Childers	Gutman	Kurth	Sullivan
Clary	Hargrett	Latvala	Thomas
Cowin	Harris	Lee	Williams
Crist	Holzendorf	McKay	

A quorum present—39

Excused: Senator Turner

## INTRODUCTION OF FORMER PRESIDENTS

The President announced that in addition to former Senate Presidents W. D. Childers and Pat Thomas, who still serve in the Senate, the Senate was honored by the presence of former Presidents Ander Crenshaw; Bob Crawford, Commissioner of Agriculture; John Vogt and Dempsey Barron who was accompanied by his wife, Terri Jo.

## INTRODUCTION OF SPECIAL GUESTS

The President introduced his wife, Janice Scott; former Senators Malcolm Beard who was accompanied by his wife, Mary Ellen; Bill Gorman who was accompanied by his wife, Toddy; Rich Crotty; Tom Slade, Chairman of the Republican Party of Florida; Van Poole; Tim Deratany; Ken Plante; Clark Maxwell, Jr. and Bill Grant. Former Representatives Marilyn Evans-Jones and Tom Drage were also introduced.

## ORGANIZATION

The Senate proceeded to the organization of the Body.

## NOMINATIONS FOR PRESIDENT

The President announced that nominations would now be received for President of the Senate, under Article III, Section 2 of the Constitution, for a term of two years.

The President recognized Senator Sullivan who placed in nomination the name of Senator Jennings of the 9th Senatorial District.

**Senator Sullivan:** Today I have the honor of nominating Senator Antoinette Jennings for election as President of the Florida Senate.

Senator Toni Jennings. Toni with an "I". Will she "tone up" the Senate? Will a committee chairmanship become known as a "Toni Award"? Will she "tone down" Senator Childers' sports coats?

It was twenty years ago that Senator Jennings was elected to the Florida Legislature. At that time she was the youngest person elected

to the House of Representatives. I looked in the Clerk's Manual. I have done the math and I reckon that she was 9 years old at the time, and in two years she will have been 7 years old.

In the final confusion of the 1993 Session, a doctor-turned-legislator needed advice and a friend I could trust. I turned to Senator Jennings for help. In spite of being very busy she always had the time to counsel me. She patiently and firmly helped me find my way through the fog of the last few days. A kindness I have never forgotten.

I turned to Senator Jennings because I perceived her to be very competent. She taught me a great deal about the Senate in that first session. Her patience and wisdom taught me much more about the type of Senator I wanted to become. That tale tells much of the character of Senator Jennings—patience, firmness and the wisdom to direct the efforts of the willing.

There is no need to dwell on the details of her history in the Senate—first woman in the history of the Senate to serve as Rules chairperson, first woman elected Republican Leader, committee chairperson, Appropriations, commissions, councils—she has done it all with the judgement and moderation that we expect of a thoughtful and reasonable person, a person who seeks answers rather than follows a doctrine.

She has competently managed the most difficult assignments. When President Crenshaw needed a person to handle the Workers' Compensation reform, he turned to Senator Jennings. When President Scott needed someone to direct a potentially contentious reform of welfare, Senator Jennings was the person he chose. She skillfully brought all of the parties to agreement. In recognition of all of her accomplishments, she was rewarded by being unanimously selected as Republican Senate President-Designate.

At a time when education is one of the main concerns of the people of Florida, and a subject in which you Senators have distinguished yourselves, it is fitting that a person trained as a teacher would be chosen by the Senate to provide us our sense of purpose, priority, and direction.

In 1874, the House was controlled by the Democrats and the Senate was evenly divided between the parties. This situation continued until 1875 when a Republican Senator, Elisha Johnson, was murdered in the streets of Lake City, providing a Democratic majority in the Senate. A procedure that I am happy to say was not used to break the 20-20 tie in 1992.

Some have predicted that Florida will resort to the kind of bare-knuckles politics seen in Washington in 1994, with gridlock developing between the Republican legislature and our Democratic Governor. I believe that it is a time when both parties can represent their constituencies, and Senator Jennings can take advantage of the opportunity to build a consensus and move the State of Florida forward. Toni is a consensus builder who "can cross party lines to get things done".

The agenda of the Senate for the last four years, so well begun, must be continued and much remains to be done. The people look for reasoned and responsible agenda which will make Florida the best it can be. The Governor looks for reassurance that he has allies who place good government above partisan politics. Those in the minority look for reassurance that ideas, not politics, are what we seek. The agenda and the legislative initiatives of the House remain to be demonstrated and at least for now, the Senate must assume leadership of the legislature.

Senator Jennings is the right person to assume the leadership of the legislature. By her actions, not her words, Senator Jennings has shown the ability to establish the morale, integrity and sense of purpose necessary for the next two years. Governor, with Toni Jennings as President, your last two years will not be the useless years you fear. I predict they may be our most productive years.

I nominate our best as President of the Senate, the best liked and the most respected Senator. Who better can harness the spirit of the Senate? She has the quality of stewardship; a manner that encourages confidence, trust and loyalty. She has the credentials to demand of us high standards of performance and to reject the efforts of the uncommitted.

By accepting this nomination, make no mistake, you ask for a taskmaster to organize us to be the best Senate that we can be. We can expect that she will demand more from us than from the less dedicated. We ask to be challenged for the good of the State of Florida, and you must pledge to her your efforts and your ideas, not for personal gain, but because you recognize that she is the person best suited to lead us.

We who have given up so much of our careers and who have sacrificed time with our families to serve in the legislature will settle for nothing less than the best that we can do for the State of Florida. Toni Jennings is the person who will energize the Florida Senate to work for the excellence that we expect.

There is one last story that I must tell. When she was first elected, Speaker Tucker was asking the freshmen representatives what they preferred to be called. He asked the very young Representative Jennings what she preferred to be called. She said, "I prefer to be called beautiful."

Mr. President, Senators, I place in nomination for the office of President of the Senate, the person I believe will make the Florida Senate the best it can be, the Beautiful Senator Toni Jennings.

The President recognized Senator Brown-Waite who seconded the nomination of Senator Jennings.

**Senator Brown-Waite:** Mr. President, I wish to second the nomination of Toni Jennings as our Senate President. Senator Jennings has over 20 years of experience in both the House and the Senate. That would give her an extra Q.B.E. after her name. That's "qualified by experience".

Toni's original career path was in the field of education and teaching. From there she deviated a little bit and got into politics and also into the family business.

Toni's classroom training has come in very handy. I often hear her say, when male legislators are getting a little raucous in their discussions, "Boys, boys, stop fighting." I guess that is the teacher in Toni coming out.

Her business and construction experience was also very, very helpful when she was involved in the the workers' compensation problem that we had in the State of Florida. She came up with a compromise solution because she is able to work with people of both parties.

When Senator Scott asked her to chair the Committee on Welfare Reform, she thought she would need to don some of the construction equipment and gear and certainly a hard hat to ward off some of the critics. Only Toni Jennings could accomplish in Florida the end of welfare as we know it, or as we knew it. Some say that because of the bipartisan effort that she put forth and the accomplishments that we made, that actually Washington was shamed into following our lead, thanks to Toni Jennings.

I am proud to see a Republican woman nominated as Senate President. All Floridians should be very, very proud to have a Senate President who is as competent and compassionate and as tough on issues as Toni is. As tough on issues as she is, they will always know that they have a very genteel lady at the helm.

There is a Chinese proverb that says, "To lead the people, walk behind them." Toni Jennings has been a very modest leader behind many of us and a very efficient leader who is behind much of the progressive legislation in Florida. Many of the colleagues here today know that leadership and know the helpfulness that Toni has always exhibited.

At various times in our tenure, Toni has been behind each one of us and she helped each one of us to excel. Like the teacher she was, she taught us to be better legislators.

I am confident historians will give Toni Jennings an A+ on her term as our next Senate President.

The President recognized Senator Burt who further seconded the nomination of Senator Jennings.

**Senator Burt:** Mr. President, Senators, and special guests. It is with a great deal of pride that I rise today to second the nomination of my friend, Senator Toni Jennings, for President of the Florida Senate.

As I look out over the Senate floor today I can see how diverse our great state really is. We come from different backgrounds; we have different religions, genders, colors and political philosophies. Yet we share at least two things. As members of the Florida Senate we share this time and place and we also share the responsibility of working together to make Florida a better place to live and to raise a family.

We will face many challenges in the next two years; but our first task, the job we must do today is to pick a leader. This task is not quite as dramatic or suspenseful today as in years past and it's certainly not as interesting for our friends in the press gallery as the election for Speaker of the House which is occurring across the hall. However, what we are doing today is very important and it will, I assure you, directly affect our lives and the lives of all Floridians.

Because picking a leader is so important, I wanted to share with you and with all Floridians some of the reasons why I believe that Toni Jennings will be a great leader of the Florida Senate.

In 1972, James MacGregor Burns wrote a Pulitzer prize winning book on leadership. At the beginning of that book he noted:

"One of the most universal cravings of our time is a hunger for compelling and creative leadership. Many of us spent our early years in the eras of the titans—Freud and Einstein, Shaw and Stravinsky, Mao and Gandhi, Churchill and Roosevelt, Stalin, Hitler and Mussolini. Most of these colossi died in the middle years of this century; some lingered on, while a few others—de Gaulle, Nehru, perhaps Kennedy and King—joined the pantheon of leadership. These giants strode across our cultural and intellectual and political horizons. We—followers everywhere—loved or loathed them. We marched for them and fought against them. We died for them and we killed some of them. We could not ignore them."

He then went on to note that "Leadership is one of the most observed and least understood phenomena on earth." He spent the next 500 pages of his book trying to offer general observations about leadership over time in a variety of cultures.

I don't have the time, and I'm sure that you don't have the inclination to hear all of his conclusions, but as you vote today I thought I would share with you some of the qualities that scholars have thought were important to great leaders.

First, leaders must have a sense of vision. They need the ability to define and communicate a goal which their followers can share. Second, leaders must have a core set of values or beliefs which guide their actions. Third, leaders must be trusted by the public, by the press and by their colleagues. Fourth, leaders must be listeners and be empathetic. A good leader must have the strength and determination to get the job done.

I have seen Toni at work in the Senate for six years. During that time she chaired the Select Committees on Workers' Compensation and Welfare Reform. During her service as chairman of those two committees I believe she exhibited those qualities which scholars have said are present in good leaders: she was a good listener and a master builder of consensus in spite of the fact that workers' compensation reform and welfare reform were technically complex subjects where there was not, at the beginning, any real consensus of what should be done.

During Toni's service as chair of these two committees she showed that she had the strength and determination to complete the big jobs. Toni clearly articulated the values of hard work, self reliance and limited government that she so strongly believes in.

Toni demonstrated that she and a group of Senators with divergent views on complicated subjects could develop a shared vision of the future. Finally, Toni demonstrated, and has always demonstrated throughout her legislative career, that she is someone who could be trusted. If she gives you her word, you can count on it.

I support Toni for President of the Senate because I want to see these leadership qualities at work on a larger stage.

We know what the people of Florida want. They want neighborhoods that are free of crime, they want good schools for their children, they

want good paying jobs, and they want a government that spends their limited resources wisely. Our challenge as members of the Senate is to make real, substantive and permanent change in the conditions of people's lives.

I believe that Senator Toni Jennings is the best person to lead us in meeting that challenge. That's why I'm pleased and honored to second her nomination this morning and urge you to support her election as the next President of the Florida Senate.

The President recognized Senator Diaz-Balart who further seconded the nomination of Senator Jennings.

**Senator Diaz-Balart:** Thank you, Mr. President. As I was listening to my colleagues speak about Toni Jennings, I remembered that since I have been in the Senate, after every session, no matter who was presiding, no matter what the issues were, we have always recognized Senator Toni Jennings for her hard work, for her dedication, for her openness and for her sincerity.

Why is that? Why is it that regardless of what the circumstances are, we must always recognize Toni Jennings? It is very simple, Mr. President and Senators, Toni Jennings has always been a woman of purpose. She has always been a woman, as we've heard here today, who knows how to get the job done. There is no job that is too difficult for Toni Jennings.

As Senator Sullivan was reminding us, when Senator Crenshaw had a crisis on his hands with Workers' Compensation, who did he turn to? He turned to Toni Jennings. It is also true, when Senator Scott had to deal with an issue we had all been hearing about for years and years, Welfare Reform, an issue we all thought was unsolvable, he turned to Senator Jennings. Senator Jennings, as always, with humility, with a smile, got the job done. She is a woman with a purpose.

As chairman of the Committee on Rules and Calendar, she always had a smile for her colleagues, but as Ronald Reagan once said, "Don't confuse kindness with weakness." We all learn very quickly that the great idea you are so excited about, the one you can't go home without, you go to see Toni Jennings and she will sit down with you and she will listen and she will reason with you and ultimately, if it's not a good idea, she will smile and tell you to think about it and say, "I don't think it's the right thing to do."

Once you're back in your office, you will be glad she told you no. She has the ability to make you grateful when she tells you no.

She always knows where we are going and where we must be. She has always been fair. She shows humility, kindness and strength.

I often ask myself, how is it possible one person can do so much for so many people, for all the people she represents in her district, in the State of Florida, and what she does for this Senate. It reminded me of something Winston Churchill was once asked, "Why is it that the ship meets the waves when the waves are so many and the ship is just one?" He answered, "Because the ship has a purpose."

Toni Jennings is a woman with a purpose. She has a purpose to serve the people she represents, she has always had the purpose to serve this body, she has had the purpose to do what is right for the people of the State of Florida, and she now is ready to lead this ship.

Fellow members, it is truly an honor to second the nomination of Toni Jennings to be the President of the Florida Senate.

On motion by Senator Diaz-Balart, nominations for President were closed.

#### ELECTION OF PRESIDENT

The roll was called on the election of the President and each Senator voted in the affirmative by saying "Toni Jennings".

The vote was:

Yeas—38

Bankhead	Dantzer	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

#### OATH OF OFFICE ADMINISTERED

On motion by Senator Holzendorf that a committee be appointed to escort Senator Jennings to the bar of the Senate and to the rostrum, President Scott appointed Senators McKay, Bronson, Gutman, Ostalkiewicz and Thomas. Senator Jennings was escorted to the bar of the Senate where the oath of office was administered to her by The Honorable Charles T. Wells, Justice, Florida Supreme Court, and then to the rostrum where she was received by the President and seated.

President Scott presented the gavel to President Jennings.

#### PRESIDENT JENNINGS PRESIDING

##### NOMINATIONS FOR PRESIDENT PRO TEMPORE

The President announced that nominations would now be received for President Pro Tempore for a term of two years, and recognized Senator Childers who placed in nomination the name of Senator Casas of the 39th Senatorial District.

**Senator Childers:** Madam President, it is indeed a pleasure for me, and on behalf of the Senate, to nominate a Senator who has proven to be fair, honest, hard-working, patient, believable, and one who keeps his commitments. He helps every Senator and every person in the State of Florida who is in need. He jealously guards his district—probably more than anyone else I know—and you, Madam President, had expressed a desire to have a strong right hand helping you, as President Scott had with Senator Beard. There's no person in this body more qualified, more able to serve, more willing to stay late, more willing to lend you assistance when you need it, and to support you than the person that I am going to nominate. That person is our dear friend, Roberto Casas.

The President recognized Senator Kirkpatrick who seconded the nomination of Senator Casas.

**Senator Kirkpatrick:** Senators, this really is a true honor for me to have an opportunity to second the nomination of one of the most respected men in this entire body. We've had a lot of show horses and a lot of work horses. Senator Casas is without question one of the strongest work horses I have ever met in my life. To allow us to have the privilege of voting for him as the first Cuban-American Senate President Pro Tempore is one of those things that will never happen again to anybody else.

It is highly appropriate that Senator Casas be elected to serve as the first Cuban-American President Pro Tempore of the Florida Senate. He was also the first Cuban-American elected to the Florida House of Representatives during modern times. Senator Casas was elected to the Florida Legislature in 1981. He was sworn in on January 28, 1982, the birthday of a very famous Cuban patriot, Jose Marti.

This is such a great honor for me because Roberto Casas is my friend. He is one of those people that, as long as I have been associated with him, I have felt a warm and true friendship. When I shake his hand and he looks me in the eye and says, "George, I'm with you," he is with me. You never have to wonder if he is going to change his mind. Roberto has been with me on a couple of tough votes. I'm sure he wished he could have changed his mind on a few of those. He stuck by me and he stuck by every member of the Florida Senate when he said, "I'm with you and I'll help you."

Some of you might think of Senator Casas as a quiet man—I like to think that he only chooses to speak when it improves the silence. Roberto is beloved by the people of Dade County and is greatly respected by everyone who has had the privilege of serving with him.

I personally consider Roberto a very special friend.

Those who work with him know a handshake from Senator Casas is his word and you can rely on that.

They say, “Next to every good man is a good woman,” and next to Roberto for many years has been Violetta. She is a woman of strength and quiet dignity and I’m sure Roberto wishes she could be here today.

As all of you who were here last year know, and those who are new to the Senate will learn, Senator Casas and his staff keep the Senate hopping during session with the best Cuban coffee north of Hialeah. He has also been gracious enough to bring me guava pastries all the way from Dade County on many Mondays during the session, though don’t expect me to start sharing them.

Most of all, Senator Casas, in seconding this nomination, I think the members of this body recognize you as one of our true leaders, as one of our true friends and we would all like to say, “We love you, amigo”.

The President recognized Senator Horne who further seconded the nomination of Senator Casas.

**Senator Horne:** Madam President, distinguished guests, and fellow Senators, it is indeed a pleasure and a privilege to second the nomination of my friend and colleague from the 39th District, Senator Roberto Casas, to serve as President Pro Tempore of the Florida Senate.

I have only known Senator Casas for two very short years, but it does not take very long to truly appreciate Senator Casas, the man—the gentleness of his spirit, the calmness of his demeanor, the steely tenacity of his determination, and the persuasiveness of his speech—even though we don’t always understand his speech. His character and reputation are above reproach. He possesses all of the qualities that we admire in our leaders.

There is something that sets Senator Casas apart from all of the rest. Something intangible. Something unique and extraordinary. My father once told me that wisdom comes from the way we handle adversity. Senator Casas has grown strong in the face of life’s greatest challenges. Senator Casas had always dreamed of being involved in politics. He truly has a public servant’s heart.

But in his dream he was going to be elected to the Cuban legislature in his homeland where he was born and educated. But he was forced to flee Cuba in 1959 in the face of Fidel Castro’s oppressive revolution.

He came to America with the true grit of determination to start life all over again and succeed. Senator Casas worked hard to create a new life in South Florida. There was never any thought of drowning his troubles; he took them out and gave them swimming lessons. He stood tall in his community becoming a very successful businessman and legislator, the first Cuban born American elected to the Florida Legislature.

He has served our state and the Florida Legislature for 14 years with distinction, a sense of duty and a commitment to the ideals of our Constitution. The people here today look to him for guidance, for direction and for strength.

In a day where there are many politicians but few statesmen, Senator Casas stands out as a true statesman. He has risen to the top. Winston Churchill once said, “You make a living by what you get but you make a life by what you give.” Senator Casas is always ready to serve our state and our country. Each day he creates another page in history. He is a stabilizing force that reminds us all of the true meaning of dedication to the cause of freedom. I am proud to count him as a friend.

Madam President and fellow Senators, it is an honor to second the nomination of Senator Roberto Casas to serve as President Pro Tempore of the Florida Senate.

On motion by Senator Horne, nominations for President Pro Tempore were closed.

### ELECTION OF PRESIDENT PRO TEMPORE

The roll was called on the election of the President Pro Tempore and each Senator voted in the affirmative by saying “Roberto Casas”.

The vote was:

Yeas—38

Madam President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

### OATH OF OFFICE ADMINISTERED

On motion by Senator Kurth that a committee be appointed to escort Senator Casas to the bar of the Senate and to the rostrum, the President appointed Senators Bankhead, Harris, Forman and Meadows. Senator Casas was escorted to the bar of the Senate where the oath of office was administered to him by The Honorable Charles T. Wells, Justice, Florida Supreme Court, and then to the rostrum where he was received by the President and seated.

### REMARKS BY THE PRESIDENT PRO TEMPORE

The President presented the President Pro Tempore to the Senate who addressed the Senate as follows:

**Senator Casas:** Thank you very much, Madam President. Thank you to all the members. Thank you to Senator Childers, Senator Horne and Senator Kirkpatrick for those kind words.

When I stand before you here today and I look back, I have to say “Only in America can this happen.” When I heard Senator Horne speaking about my dreams, my dreams in Cuba, a country that has been oppressed for many years—37 years now—I have my ties, my family, my friends. 1959, January 1st, the dream went down the drain and I fled to this country looking for a place where I can have my freedom again, where I can work and be productive, and make sure that if ever—and I will say that it’s been 37 years I have waited for that—that country will be free again. I want to be part of the reconstruction of that country. But I have to thank this country for opening its doors, not only to me, but to thousands and millions of people who fled from their country because of the communism regime, because of the president, and because there is no freedom. In this country we enjoy freedom, liberty, and we have to appreciate what we have. This is the only nation in the world that when you look back—and I have traveled many, many countries—and I say “Nothing like America. Nothing like my country, the one that I live in now.”

So, thank you very much again. I accept the nomination for President Pro Tempore. It’s a great honor for me and I thank President Toni Jennings for selecting me as her right hand in this process for two years. I think we have a challenge with the people of the state and I know that President Toni Jennings will accomplish what many people of this state want to accomplish in the near future. She is a leader. She is a person that we can trust. She is a person that when I met her the first time, I said, “She’s beautiful. She is smart.” Through all the years, that was right. She is beautiful, she is smart, she is fair. I am sure that she will carry this state to be the best state in the nation.

So, thank you very much and let’s work hand to hand and accomplish what the people of the State of Florida want: better education; make sure that the criminals are not running the streets; clean environment.

We have to attract new industry to this state. I'm sure, with your help, and the help of all Floridians, we will accomplish what we want.

Thank you very much and it is a great honor, again, for me.

### COMMITTEES APPOINTED

On motion by Senator Dantzler that a committee be appointed to notify the House of Representatives that the Senate was convened for the purpose of organization, the President appointed Senators Klein, Hargrett, Meadows, Crist, Williams, and Grant. The committee was excused.

On motion by Senator Silver that a committee be appointed to notify the Governor that the Senate was convened for the purpose of organization, the President appointed Senators Myers, Lee, Cowin, Campbell, and Latvala. The committee was excused.

### COMMITTEE RECEIVED

The House of Representatives notified the Senate that it was convened for the purpose of organization.

### COMMITTEES DISCHARGED

The Committee appointed to notify the House of Representatives returned to the chamber and reported to the President that its duty had been performed. The President thanked the committee for its service and the committee was discharged.

The Committee appointed to notify the Governor returned to the chamber and reported to the President that its duty had been performed. The President thanked the committee for its service and the committee was discharged.

### INTRODUCTION OF PRESIDENT'S FAMILY AND GUESTS

The President introduced her family: Margaret Jennings, her mother; Jeff and Allyson Jennings, brother and sister-in-law; John and Martha Jennings, brother and sister-in-law; and Martha's parents Mary and Al Caruso.

### THE PRESIDENT'S ADDRESS

Friends, family, fellow Senators, our work begins today. The elections are over and the people have spoken. It should be noted that each one of us in this body, no matter which party, who asked the electorate to send us back, was returned to lead our state into the 21st Century. And along the way, we have five new energetic faces to help us.

Many of you know I have been a member of this legislative body for many years. I have come to know it well. It is my goal to blend the best of our Senate tradition with innovation and forward-thinking. In preparation for the role I would play as President, I did a little traveling this fall, holding brown bag lunches around our state and talking with community leaders about their concerns.

I think it is crucial for me, for all of us, to hear from the people out there who have little or no contact with those of us who come to Tallahassee to try to resolve their problems. I will keep doing this for the next two years, and I will ask each of you to come along with me. The age-old way of doing things is no longer adequate for a dynamic Florida. As Lincoln said "... we must rise to the occasion. We must think anew and act anew."

The reforms we can make represent a historical OPPORTUNITY. They also represent a tremendous CHALLENGE and they demand RESPONSIBILITY. The opportunity is there for us to work together to build a consensus here in the Senate, with the House and with our Governor, to continue the work we have begun on the issues of education, criminal justice, welfare reform and, could anyone forget, workers' compensation.

We have made tremendous strides in these areas. Florida has experienced the largest drop in crime in over a decade. Last year alone, violent crime fell 6.4 percent. Our welfare reform bill has become the blueprint for the nation. But the challenges still are many.

Education is now, and will remain, one of the top issues of concern in the minds of most Floridians. Seventy-seven percent of our 4th graders read below grade level. Sixty-two percent of our high school graduates require remediation. Nearly 78,000 students failed a grade last year, costing Florida taxpayers 366 million dollars. We must be able to identify competent teachers and then reward them so they stay in the classroom. Families want the right to choose a school in their neighborhood where children can be with their friends, participate in school activities, and not have to get up at 5:00 a.m. to catch a school bus.

And, more than anything else, mothers and fathers want to know their children are safe when going to school and not worry about the increasing prevalence of knives, guns, and drugs. We've tackled some of these problems, but we need to do more to bring about solutions.

We have said, "What good is an education without a job?" This year, our focus must turn to our state's economic well being. From Key West to Pensacola and from large cities, such as Miami, Orlando, Tampa and Palm Beach to all the smaller, rural communities in between, a major priority will be to stimulate the private sector to create more jobs. And we will revamp government services at all levels to see what jobs can be moved to the private sector. This is of critical importance to our general economy and all of our citizens.

But it goes further than that. Last session we said welfare recipients would get a job and go to work. In the words of Franklin Delano Roosevelt, "The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have little." It is imperative to make those jobs available.

What does it take? It takes Florida businesses having enough confidence to expand. It takes a climate of stability where those looking to relocate in Florida are confident the rules won't change. Year after year we discuss economic incentives. Such incentives are often necessary to help attract new business activity, strengthen the tax base and increase revenue. And year after year we are told by revenue estimators that they cost money. Well, sure they do, but they generate money as well and no one has ever been able to tell us how much.

We have recently secured a dynamic modeling computer program used in other states, which may help us quantify the positive effect of incentives. A few years ago the high cost of workers' compensation insurance was suffocating Florida employers and discouraging companies from locating a business in our state. Working together we found a solution and the market has stabilized and rates have gone down. Now it seems an insurance crisis of a different nature may be looming.

Several months ago, the Florida Chamber commissioned the Mason-Dixon organization to seek out 500 key businesses in the state to determine their plans and ideas for expansion, relocation, and development. The bottom line was that businesses are not as happy with our state's economic climate as they were a year ago. We know too well the problems we are experiencing in the residential property and casualty market, but while we weren't looking, it appears commercial property and casualty and liability insurances have become critical concerns.

Our challenges will continue to grow as the Federal government continues to push down responsibilities to the states. Remember our old term "Devolution"? Well, the devil is back and we will have to deal with it.

Medicaid takes up 20 percent of our budget and it must be reformed. Even if Washington does not block grant it all to the states, our part of the deal is filled with fraud. Precious service and delivery dollars are lining the pockets of unscrupulous providers. It not only must stop, it will stop.

Senators, we have been given the opportunity. We know the challenges. The responsibility we have is to be able to justify our actions to the people who sent us here. They demand accountability—accountability in the legislative process.

AND THEY SHALL HAVE IT!

Accountability for the Florida Senate will mean ending the age-old practice of pushing everything back to the end of the session and finish-

ing with such a late night rush that confusion reigns. Even though in the last two years the Senate has passed much of its important legislation before the last week, there is always room for improvement. Old habits are hard to break, but I'm committed to breaking this one. If I can, you can too.

For too long locomotives have carried the load. Legislative trains will be a relic of the past. Expedience has replaced deliberation and special interests have greased the tracks. Well, the train stops here.

Accountability for the Florida Senate means we will not work in the dark. Our state has long been recognized for doing business in the open. Our sunshine laws and open records legislation mean the people have access to the people's business. But some of our old habits hinder that process and we are going to break them starting today.

First, we will use the Rules we have to hold over bills that are amended on the floor for at least a day so everyone has a chance to know the effect of the changes. Second, we will eliminate late night sessions. In a few minutes we will adopt our Rules. They hold only one significant change and that is to prohibit the Senate from being in session after 9:00 p.m.

We will shorten the deadline for filing bills to eliminate that week of overflow from everyone who could not get their bill filed in the House. The automation of the Senate Chamber will, by necessity, require more notice for Special Order and as a result, require amendments to go through Bill Drafting for coding. I will ask the Rules Committee, as their first order of business, to meet and propose changes to the way we handle legislation with special emphasis on the setting of priorities to improve the flow of bills during the last week of session.

What we decide, we will decide together since each of us must live with it. We will cogitate, disseminate, articulate, and deliberate. Then, and only then, will we vote on a measure. And on the last day of the session, you can go ahead and make, and keep, your dinner reservations because we will be done by dinner time and if we are not, we will come back for another day in the sunshine. The people who sent us here will no longer be questioning what we did or did not do at 3:00 a.m. in the morning.

Because of our tight budgets of the last few years, all of us have been getting used to the idea of doing more with less. Well, we may be doing less but what we do we will do better. Our big challenge is to keep improving. In two successive elections the voters have sent a crystal clear message, "Spend our money wisely because you are getting no more." What we do will be done better, faster and cheaper.

Our goal should be to produce more quality legislation. We will streamline the process of lawmaking in such a way as to: first, identify the key issues; second, set priorities and schedules for bringing those issues to the floor; and, third, eliminate that which will bog us down, that which will have little impact on the state's needs and resolution of its problems. Let us not forget the old adage, "If you fail to prepare, prepare to fail."

This means, simply, that we must have fewer bills introduced. I know this may be difficult for some of you. We have within our midst many bill-filing junkies, but I am asking you to just say "no." Before you agree to sponsor legislation ask yourself "Will this bill help all of our citizens or just a few?"

Each year when we gather in Tallahassee to begin a new session, we jump immediately into the details and mechanics of the process. We have forgotten to look at the big picture. For this reason, before committees are assigned the Senate will have a retreat to discuss the role of government and set our priorities. We may only be retreating to the 22nd floor, but this may help us have a more global perspective before we get down to specifics. Not everyone can be a chairman, but everyone's point of view is valuable and will be heard. So for a few days in December the Senate will be working as a Committee of the Whole, so to speak, to rediscover and renew our commitment to good government and quality legislation.

John Calhoun said it well when he declared: "The very essence of a free government consists of considering our offices as public trusts, bestowed for the good of the country and not for the benefit of an individual

or a party." Well, my party is Republican but inclusiveness is my style. I can find neither "R" nor "D" in the word TEAM. And that is what we will be, a forty-member team working for Florida.

I thank each of you for the honor of your support. Roberto, "gracias" for agreeing to assist me as my Pro Tempore. A special thank you to Don, Ginny, Locke, and Mario for those very generous words. Senators, before you leave your families again, for what we know becomes many trips to Tallahassee, thank them for the sacrifices they make so you can do the people's business. And before we leave here, let's thank the unsung heroes of this process, the people whose names never get on a bumper sticker or in the brochures, but without whom this process would never work, our staff and the professional staff of the Florida Senate. Now Senators, let's get to work. The people's business is waiting.

## DESIGNATION OF SECRETARY

The President recognized Senator Dudley.

**Senator Dudley:** Madam President, my fellow Senators. It's with a deep personal pride and honor that I move the designation of Faye Blanton as Secretary of the Florida Senate.

Faye has been an employee of this body for 26 years. I think longer than our colleague W.D. Childers has been here. She joined the Secretary's staff in 1972 and she has served as our Assistant Secretary since 1984, and actually has been serving as our Acting Secretary. I stopped by to visit her last week. I had a few questions about making some further modifications in the form of the Journal, and I noted that she was still in her old office just inside the front door. When I asked her why she had not moved into the big office she said she was waiting until today, to hear from you before she made that move.

As you know, she's responsible for publishing all of our official documents and all procedural actions of the Senate in the Senate Journal. Her involvement in the design and development of numerous innovative computer programs has dramatically improved the effectiveness of this process. How many of you can remember picking up a Journal the next morning to see if an amendment had been accurately adopted and reported and looking at every single page to try to find the bill number? That's changed now, with an index in the back that gives you reference to those page numbers. It's marvelous. I know because I had suggested that several years ago. I read well, but not fast.

In her role as Assistant Secretary, Faye has worked with numerous organizations who have visited the State Capitol and have, in fact, used our Chamber and been coached through the legislative process. Faye has conducted a number of those mock legislative sessions. She frequently speaks to our visitors about the legislative process.

What many of you may not know is that this job of being Secretary is a very, very professional job. In addition to her work with us, Faye has been an active member of the American Society of Legislative Clerks and Secretaries. She was elected Staff Vice President by her peers from other states and she has served as chairman and vice chairman of numerous committees, including the Program Development Committee which sets the agenda for the annual professional development seminar.

With your vote today, Faye will become only the seventh Secretary of this Senate since 1929, and I know that predates W.D.'s service here, and I think significant for a day, the 19th of November in the 151st year of the Statehood of Florida, with your help, would become the first female to fill this office.

Members of Faye's family are seated in the East Gallery and I'd like to ask each of them to rise as I call your name. Her husband, Ed Blanton; her children, Wade and Laurel McDaniel, Doug McDaniel and his fiance Julie Gillis, Garrett and Travis Blanton; her brother and sister-in-law Gerald and Sharon Wester; and friends Jimmy and Kay Judkins, and Wanda Pelham.

Madam President, it is my honor to move that the Senate designate Faye Blanton as the Secretary of this Senate. I urge my colleagues to join with me in making yet another first in our state's proud history. Thank you.

**President Jennings:** Thank you. The motion by Senator Dudley to designate Faye Blanton as the Secretary of the Florida Senate is adopted without objection.

## MOTION

On motion by Senator Rossin, the remarks offered during the Organization Session were ordered published in the Journal.

## ADOPTION OF RULES

On motion by Senator Jenne, the following Rules as printed and distributed to each Senator were adopted to govern the Senate for the ensuing two years.

# RULES OF THE SENATE

## RULE ONE

### OFFICERS, SENATORS, EMPLOYEES, AND ETHICS

#### PART ONE—OFFICERS OF THE SENATE

#### 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

A President and a President Pro Tempore of the Senate shall be elected for a term of two (2) years at the organization session preceding the regular session of each odd-numbered year. They shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office. At a regular session the Majority Party may, by caucus called by the President, elect a President Designate and a President Pro Tempore Designate, and their names shall be certified to the Secretary of the Senate. The President may designate a Majority Leader whose name shall be certified to the Secretary of the Senate. The Minority Party may by caucus elect a Minority Leader and a Minority Leader Pro Tempore, and their names shall be certified to the Secretary of the Senate at the organization session. All elected officers are to hold office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur.

#### 1.2—Calling the Senate to order

The President shall call the Senate to order at the hour provided by these Rules or at the hour established by the Senate at the last session. On the appearance of a quorum, the President shall cause the Senate to proceed with the daily order of business. The President may recess the Senate for periods of time not to exceed thirty (30) minutes.

#### 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 clear the area.

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

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 shall approve vouchers. The President shall decide all questions of order, subject to an appeal by any Senator. As necessary, the President is authorized to incur travel and per diem expenses for the next session of the legislature. The President of the Senate and the Chairman of the Committee on Rules and Calendar shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred in transacting the business of the Senate as authorized. *The President shall have responsibility for the property of the Senate and may delegate specific duties or authority pertaining thereto. The President may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the*

*Senate, a committee of the Senate, a Member of the Senate (whether in the legal capacity of Senator or taxpayer), a former Member of the Senate, or an officer or employee of the Senate 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—Appointment of committees

The President shall appoint all standing committees, standing subcommittees, select committees, and the Senate members of conference and joint select committees.

Any member removed from a committee without his or her consent shall have the right to appeal such removal to the Committee on Rules and Calendar.

#### 1.6—The President's vote

The President shall not be required to vote in legislative proceedings. In all yeas and nay votes, the President's name shall be called last.

#### 1.7—Vacating chair; duties of President Pro Tempore

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

(b) 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.

(c) In the event the chair is vacated permanently, nothing herein shall preclude the Senate from designating a presiding officer.

(d) Should the President resign, he or she may, prior to resignation, designate a member of the Majority Party to assume the duties of the chair until a permanent successor is elected.

#### 1.8—Designation Election of the Secretary of the Senate

*The Senate shall designate a Secretary to serve at its pleasure. A Secretary of the Senate shall be elected for a period of two (2) years pursuant to the provisions of section 11.15, Florida Statutes. A staff of assistants shall be employed to regularly transact such business as required by law, by Rules of the Senate, or as assigned by the President. The Secretary shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office.*

The Secretary shall be under the supervision of the President of the Senate, who may assign additional duties to the Secretary. The Secretary shall be the enrolling and engrossing clerk of the Senate and may designate an assistant enrolling and engrossing clerk. ~~The Secretary shall generally supervise all matters pertaining to Senate business.~~

#### 1.9—Secretary's duties at organization session

In the absence of the President and the President Pro Tempore of the preceding session, 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.

#### 1.10—Duties generally; keeps Journal

The Secretary shall keep a correct daily Journal of the proceedings of the Senate, and this Journal shall be numbered serially from the first day of each session of the legislature and shall be distributed by the Secretary for the information of the legislature and the public. The Secretary shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. The Secretary shall not permit any 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. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.



**1.11—Prepares daily calendar**

The Secretary shall prepare a daily calendar that shall set forth: (1) the order of business; (2) the committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute; (3) the status of each bill, i.e., whether on second or third reading; (4) notices of committee meetings; and (5) notices of meetings required pursuant to Rule 1.44. The Secretary shall distribute the daily calendar for the information of the legislature and the public.

**1.12—Reads papers; calls roll**

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 and note the answers of Senators when a question is taken by yeas and nays; and assist, under the direction of the President, in taking the count when any vote of the Senate is taken by a show of hands or otherwise.

**1.13—Attests to warrants and subpoenas; certifies passage**

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

**1.14—Prepares printed forms**

The Secretary shall prepare the copy for all printed forms used by the Senate.

**1.15—Examines legal form of bills for introduction**

The Secretary shall examine bills on their tender for introduction, but prior to their receiving a number, he or she 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.

**1.16—Indexes bills**

The Secretary shall maintain a numerical index of bills and resolutions and a cumulative index by introducers.

**1.17—Transmits bills to House of Representatives**

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

**1.18—Receives and delivers for reading messages from House; summaries of House amendments to Senate bills**

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. All messages reflecting House amendments to Senate bills shall be promptly delivered to the Senate Legal Research and Drafting Services where they may be held a maximum of two days for research and summary. Special notice of the summaries shall be given to each Senator.

The Secretary shall advise the President 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 as defined in Rule 2.15. Favorable committee reports and accompanying measures shall be placed on the calendar.

**1.19—Sergeant at Arms; election and duties**

~~A Sergeant at Arms of the Senate shall be elected for a period of two (2) years, pursuant to the provisions of section 11.15, Florida Statutes.~~

~~The Sergeant at Arms shall be under the supervision of the President. The Sergeant at Arms shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office.~~

~~The Sergeant at Arms shall attend the Senate during its sessions and maintain order under the direction of the President or other presiding officer; the Sergeant shall execute the commands of the President of the Senate and of the Senate, and all processes issued by authority thereof. The Sergeant shall have charge of all property of the Senate and will disburse the expendable materials to Senators for their official use. The Sergeant shall have general charge of the gallery of the Senate and shall maintain order therein and shall police the Chamber and committee rooms of the Senate and shall be responsible therefor.~~

**PART TWO—SENATORS****1.20—Attendance and voting**

Unless excused for just cause or necessarily prevented, every Senator shall be within the Senate Chamber during its sessions and shall vote on each question. No Senator shall be required or permitted to vote on any question immediately concerning his or her private rights as distinct from the public interest.

**1.21—Excused absence**

The President may excuse any Senator from attendance in the Senate and its committees for any stated period, and the excused absence shall be noted in the Journal.

**1.22—Senate papers left with Secretary**

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

**1.23—Members deemed present unless excused**

A Senator who answers roll call at the opening of a session or who enters after roll call and announces his or her presence to the Senate shall thereafter be considered present unless leave of absence is obtained from the President.

**1.24—Contested seat**

If a seat in the Senate is contested, notice stating the grounds of such contest shall be given by the contestant to the Senate 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.

**1.25—Facilities for members**

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**

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.

**1.27—Transition from office**

~~A Senator who will not be a Senator at the next ensuing regular session of the legislature because of failure to be reelected at the polls shall be entitled to an a two-week amicable transition period not to exceed one month in which to close out the affairs of his or her office. The transition period shall begin at the expiration of a Senator's term. A former Senator shall not be entitled to salary during the transition period, but shall receive a pro rata portion of the monthly allowance for office rental and expenses during such period. A former Senator's staff shall be entitled to a pro rata salary during such period, provided said staff performs all transitional duties assigned by the former Senator.~~

The Secretary of the Senate shall provide ~~A~~ a former Senator *shall* with necessary forms with which to apply for transitional funds provided pursuant to this rule, the expenditure of which shall be from Senate funds and which shall be considered for a public purpose. Upon proper application by the legislative assistant of a deceased Senator, a ~~one-month two-week~~ transitional period with pro rata salary for the staff may be approved by the President to close out the deceased's Senate office affairs.

### **PART THREE—EMPLOYEES OF THE SENATE**

#### **1.28—Dismissal of employees; services of spouse**

The President shall resolve disputes involving the competency or decorum of a Senate employee, ~~except those officers elected by the Senate,~~ and may terminate the services of an employee. At the President's discretion the matter may be referred to the Committee on Rules and Calendar for its recommendation. The pay of an employee so terminated shall stop on the termination date. A Senator's spouse or immediate relatives may serve in any authorized position, however, they shall not receive compensation for services performed.

#### **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 measure 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 custom 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 same hours of employment as regular Capitol employees. Part-time employees and Senator's personal aides shall observe hours that are prescribed by their department heads.

#### **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—Political activity**

Senate employees shall be regulated concerning their political activity pursuant to section 110.233, Florida Statutes.

#### **1.33—Secretary; supervision of employees**

All secretaries, stenographers, typists, verifiers, and other clerical assistants not specifically assigned to a Senator, to a committee, or to a permanent office of the Senate shall be under the supervision of the Secretary.

#### **1.34—Sergeant at Arms; supervision of employees**

~~The doorkeepers, janitors, pages, and messengers, except where otherwise specifically provided in these Rules or by order of the President, shall be under the supervision of the Sergeant at Arms.~~

### **PART FOUR—LEGISLATIVE CONDUCT AND ETHICS**

#### **1.35—Legislative conduct**

Every Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and, by personal example and admonition to colleagues, shall maintain the integrity and responsibility of his or her office.

#### **1.351—Food and Beverage Prohibited**

(a) A Senator, Senate officer, or Senate employee may not knowingly accept, directly or indirectly, food or beverage from a lobbyist.

(b) This rule does not prohibit a Senator, Senate officer, or Senate employee from accepting food or beverage:

- (1) from a relative as defined in Joint Rule 1.4 (2);
- (2) at a political, campaign, or fundraising activity or event, reportable pursuant to state or federal law;
- (3) in connection with his or her outside business or employment activities, as exempted by s. 112.312(12)(b)1., F.S.;
- (4) consumed incidental to a reception or gathering of constituents, not to exceed a value of \$25.00;
- (5) consumed at a special event; or
- (6) consumed at an honorarium event.

(c) As used in this rule the term:

- (1) "lobbyist" means a person defined in Joint Rule 1.1(2)(d).
- (2) "food or beverage" has the meaning ascribed in Joint Rule 1.4(3)(c).
- (3) "special event" has the meaning ascribed in Joint Rule 1.4(3)(i).
- (4) "honorarium" has the meaning ascribed in s. 112.3149(1)(a), F.S.

#### **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 of Campaign Contributions**

A Senator shall neither solicit nor accept any campaign contribution during the sixty-day regular legislative session on the Senator's own behalf or on behalf of a political party or on behalf of a candidate for the Senate; however, a Senator may contribute to the Senator's own campaign.

#### **1.37—Conflicting employment**

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

#### **1.39—Disclosure and disqualification**

A Senator shall disclose any personal, private, or professional interest in a bill that would inure to that Senator's special private gain or the special gain of any principal to whom the Senator is obligated. Such disclosure shall be filed with the Secretary of the Senate for reporting in the Journal immediately following the record of the vote on the measure. Such disclosure may explain the logic of voting or of his or her disqualification.

#### **1.40—Senate employees and conflicts**

Senate employees shall be accountable to the intent of this Rule.

#### **1.41—Advisory opinions**

All questions relating to the interpretation and enforcement of these Rules concerning legislative conduct and ethics shall be referred to the Committee on Rules and Calendar or shall emanate therefrom. A member of the Senate may submit a factual situation to the Committee on Rules and Calendar with a request for an advisory opinion establishing the standard of public duty. The Committee shall enter its opinion responding to each inquiry. All opinions shall, after hearing, be numbered, dated, and published in the Journal of the Senate. No opinion shall identify the requesting Senator without the Senator's consent.

#### **1.42—Violations; hearings, penalties**

Any person may file a sworn complaint with the chairman of the Committee on Rules and Calendar, alleging a violation by a Senator of

the Rules regulating conduct and ethics. The complaint shall state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, and shall identify the specific Rule(s) believed by the complainant to have been violated by the Senator. Upon a determination by the chairman that there are sufficient grounds for review, the complaint shall be referred either to the committee or, at the option of the chairman, to a special master, for a hearing. The committee or special master may adopt rules of procedure for conduct of the proceedings. The committee or special master shall give reasonable notice to the Senator who is alleged to have violated the Rules and shall grant the Senator an opportunity to be heard. A special master's report and recommendation is advisory only and shall be made to the chairman as soon as practicable after the close of the hearing. The committee's report and recommendation shall be made as soon as practicable.

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

## **PART FIVE—PUBLIC MEETINGS AND RECORDS**

### **1.43—Open meetings**

(a) All meetings at which legislative business is discussed among any two or more Senators shall be open to the public except meetings between two Senators to exchange information provided the purpose of the meeting between the two Senators is not to agree upon final action that will be taken at a subsequent meeting. Discussions on the floor while the Senate is in session and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this rule.

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

(c) 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 Senate Subcommittee.

### **1.44—Notice required for certain meetings**

(a) A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary of the Senate. 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 not later than 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 not later than two (2) hours before the scheduled time of the meeting:

1. meetings of the President of the Senate (or a Senator designated to represent the President) with the Governor, or with the Speaker of the House of Representatives (or a representative designated to represent the Speaker);
2. meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee;
3. steering meetings of the chairman of the Committee on Ways and Means with the chairmen of the standing subcommittees of the Committee on Ways and Means; and
4. meetings called by the President or the President's designee, of a majority of the chairmen of the Senate's standing committees.

(b) Notices of meetings required by Rule 1.44 shall be filed by or at the direction of the person(s) 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.

In the event the times required for notice under Rule 1.44 are not sufficient to permit publication in a daily or interim calendar, the Secretary shall post a copy of each such notice on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. The Secretary of the Senate shall make a diligent effort to give actual notice to the representatives of the press of all noncalendared meeting notices posted.

(c) Political caucuses are exempt from the foregoing notice requirements. Political caucuses shall be open to the public in accordance with Rule 1.43 and noticed in accordance with this rule when issues then pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee or 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.

### **1.45—Violations of rules on open meetings and notice**

Intentional violations of Rules 1.43 and 1.44 constitute violations of the Rules regulating legislative ethics and conduct and shall be subject to the procedures and penalties prescribed in Rule 1.42.

### **1.441—Constitutional requirements concerning open meetings**

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

All prearranged gatherings, between more than two members of the legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, 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.

In cases of conflict between this rule and any other rule of the Senate the rule providing greater notice or public access shall prevail.

### **~~1.442—Legislative records (Repealed by 1.444 May 27, 1993)~~**

### **1.443—Reapportionment Information**

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information promulgated or maintained by the former Committee on Reapportionment.

### **1.444—Legislative records; maintenance, control, destruction, disposal, and disposition**

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.

The following standing committee, standing subcommittee and select committee public records, not exempted from disclosure, shall be retained by each staff director until biennially transferred to the Division of Library and Information Services of the Department of State via the Legislative Library Division of the Joint Legislative Management Committee: copies of bills, amendments, vote sheets, staff 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.

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.

Public records, not exempted from public disclosure, created or received by the President, President Pro Tempore, or Secretary of the

Senate or Sergeant at Arms 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 the Legislative Library Division of the Joint Legislative Management Committee. Records not transferred may be otherwise disposed of or destroyed.

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 a 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. However, when obtained from the Office of the Secretary, a standing committee, standing subcommittee or select committee, there shall be no charge for a single copy of a bill other than a general appropriations bill, or for a single copy of any other public record required by law or Senate rule to be created.

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) representative copy of the mailing, or an abstract, need be retained.

For the purpose of this rule, a member's district office shall include the offices each member retains for the transaction of official legislative business in his or her respective district and the offices located in the Senate Office Building or the Capitol in Tallahassee assigned to each member.

The following public records are exempt from inspection and copying:

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.

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.

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.

A draft of a bill analysis or fiscal note until the bill analysis or fiscal note 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.

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.

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

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 committee's 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.

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.

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.

~~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. not available to the public from the house, commission, committee, or office of the legislative branch that created the record, is exempt from inspection and copying until July 1, 1993. Prior to July 1, 1993, the presiding officer of each house shall determine which records held by that house should remain exempt from inspection and copying. The presiding officers of both houses shall jointly determine which records held by joint committees should remain exempt from inspection and copying. No later than July 1, 1993, the presiding officers shall publish a list of records that remain exempt from inspection and copying.~~

For purposes of this section, "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.

## RULE TWO

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

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

##### 2.1—Standing committees; standing subcommittees

Permanent standing committees and standing subcommittees, when created and designated, by rule of the Senate, shall exist and function both during and between sessions. The President shall appoint the membership of the following named standing committees and standing subcommittees provided that each standing committee shall consist of not less than five (5) members:

- Agriculture
- Banking and Insurance
- Children, Families and Seniors
- Commerce and Economic Opportunities
- Community Affairs
- Criminal Justice
- Education
- Executive Business, Ethics and Elections
- Governmental Reform and Oversight
- Health and Rehabilitative Services
- Health Care

Higher Education  
 Judiciary  
 Natural Resources  
 Regulated Industries  
 Rules and Calendar  
 Transportation  
 Ways and Means  
 Subcommittee A (General Government)  
 Subcommittee B (Education)  
 Subcommittee C (Human Services)  
 Subcommittee D (Criminal Justice)  
 Subcommittee E (Finance and Tax)

Each standing committee or the chairman thereof may appoint a select subcommittee to study or investigate a specific matter falling within the jurisdiction of the standing committee or to consider a bill referred to it. The President of the Senate shall be promptly notified of the appointment of select subcommittees, their assignment, the time allowed for the assignment, and shall be notified on completion of the assignment. Select subcommittees shall be regulated by the Senate Rules of Procedure regulating standing subcommittees, except that select subcommittees shall exist only for the time necessary to complete their assignments and report to their standing committees, and not to exceed thirty (30) days. The advisory reports by select subcommittees whether favorable or unfavorable shall be reviewed by the standing committee and accepted, amended, or rejected by majority vote of those present.

## 2.2—Powers and responsibilities of committees

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; and (c) to request reports from departments performing functions reasonably related to the committees' jurisdictions; and (d) to complete the interim projects assigned by the President.

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.

In order to carry out the committee's duties, the chairman 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 chairman. 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.

## 2.3—Committee reports

Before a regular session of the legislature convenes, each standing committee shall prepare a report of its findings, recommendations, and proposed legislation, and file same with the President of the Senate and the Secretary of the Senate.

Before a regular session of the legislature convenes, each standing subcommittee shall prepare a report of its findings, recommendations, and proposed legislation, and submit same to the chairman of the standing committee for consideration by such committee.

Within thirty (30) days following sine die adjournment of a regular session, each standing committee shall provide information on the public business assigned to it since the regular session of the preceding year.

## 2.4—Committee staffing

A committee shall be staffed with personnel, subject to guidelines and criteria authorized by the President. The staff shall be also 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.

## 2.5—Committee utilization of federal funds

No committee shall make application for or utilize federal funds, personnel, services, or facilities unless approval is obtained from the Committee on Rules and Calendar.

## 2.6—Notice of committee meetings

Notice of meetings of standing committees, standing subcommittees and select committees shall be published in the daily calendar. No committee shall consider any bill during the first fifty (50) days of any regular session until proper notice is published in the calendar for the legislative day preceding and the day of such committee meeting. Thereafter, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.9 may be held following an announcement by the chairman of the committee or subcommittee or, in his or her absence, the vice-chairman while the Senate is in session and the posting of a notice on a bulletin board in the public corridor leading to the Senate Chamber for two (2) hours in advance of the meeting. The chairman of a committee or subcommittee or in his or her absence, the vice-chairman, shall provide the Secretary's office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered.

At least seven (7) days prior to the meeting of a standing committee or standing subcommittee, while the legislature is not in session, a notice of the meeting, stating the number of each bill to be considered, date, time, and place, shall be filed with the Secretary of the Senate. The Secretary shall give notice to the membership and the public.

## 2.7—Bills recommitted

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) days after such report is printed in the Journal. The committee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

A bill reported by a standing subcommittee to its standing committee 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. The subcommittee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

## 2.8—Notice of hearing; publication

For publication in the daily calendar, notice of standing committee or standing subcommittee meetings shall be delivered to the Secretary's office in writing by 4:30 p.m. on the day preceding its intended publication. If such day is a Friday, delivery shall be by 2:30 p.m. Hearing notices shall appear in the daily calendar.

## 2.9—Committee meetings; committee meetings after 50th day

Each standing committee and standing subcommittee shall consider the public business assigned to it as expeditiously as possible and proper. To facilitate this, the President shall group the standing committees and subcommittees to provide each with an opportunity to meet without conflicting with the meetings of other committees.

The Committee on Rules and Calendar or the Special Order Calendar designees provided for in Rule 4.17 shall, with approval of the President, 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. nor meet or continue to meet after 9:00 p.m.* This scheduling shall not limit the powers of the chairman of a standing committee or subcommittee as provided in these Rules.

Unless approved by the Committee on Rules and Calendar, no committee shall meet after the fiftieth (50th) day of any regular session except the Committee on Rules and Calendar.

### 2.10—When, where committees meet

Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the Committee on Rules and Calendar and notice of such assignment shall be posted by the Secretary of the Senate on a bulletin board provided for this purpose in the public corridor leading into the Senate Chamber. The committee chairman may arrange with the Committee on Rules and Calendar and the Sergeant at Arms for evening or other special meetings. No committee except the Committee on Rules and Calendar shall meet while the Senate is in session without the consent of the majority of the Senate present.

### 2.11—Attendance by sponsor of bill

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Such introducer may discharge this duty by sending another legislator, his or her legislative assistant or committee staff member, or any other representative having written permission to speak for the bill. Unless a majority of the committee members present shall decide otherwise, bills shall be considered when reached on the committee agenda notwithstanding the absence of the sponsor or anyone authorized by these Rules to appear on his or her behalf.

### 2.12—Order of business

Bills shall be considered in the order appearing in the notice required by these Rules, except that the chairman may, in his or her sole discretion, consider a bill out of its order to accommodate the presence of a Senator or Representative who is the prime introducer thereof.

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

### 2.13—Open meetings

All committee meetings shall be open to the public, subject always to the powers and authority of the chairman to maintain order and decorum. If any matter is reported on the basis of a poll of the committee, such matters shall be referred to such committee on a point of order made prior to final passage thereof.

### 2.14—Time for consideration of bills

A bill that has been introduced and referred to committee can be removed only on motion of the sponsor and by a two-thirds (2/3) vote of those present. However, any bill that has been in committee fifteen (15) legislative days or more without an extension of time having been granted may be removed from committee on motion of the sponsor. Such motion, when made, shall carry over for a period of five (5) legislative days to give the committee of reference time to meet. Failure of the committee to meet and consider such bill within said time will permit the sponsor of the bill to remove it from committee on a point of order, providing no bill may be thus withdrawn from the Committee on Ways and Means during the first thirty (30) days of a regular session.

Except by unanimous consent of those present, no bill shall be considered by the Senate after the fiftieth (50th) day of a regular session if the bill or a companion measure has not been first reported favorably by at least one Senate committee.

### 2.15—Standing committee duties in deliberation

It shall be the duty of standing committees to report all matters referred to them either (a) favorably, (b) favorably with committee amendment(s), (c) favorably with committee substitute as defined in these Rules, or (d) unfavorably. The vote of the members of a standing committee or subcommittee on final passage of any measure shall be recorded. Upon the request of any two members of a committee or subcommittee

the vote on any other matter, 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 two-thirds (2/3) vote of those present in session.

Such reports shall also reflect (e) the time and place of the meeting at which the action was taken, and (f) the vote of each member of the committee on the motion to report each bill or resolution. A bill filed for introduction by a committee shall be accompanied by such report. The Secretary shall enter in the Journal the action of the committee, but shall not include that portion of the report required by items (e) and (f). Reports of committees shall be preserved pursuant to law.

In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). Proposed substitutes shall be filed with the committee secretary no less than two (2) hours prior to any committee meeting at which a recommendation of the substitute is adopted unless the substitute is merely a combination of the noticed bill(s) and amendments offered in compliance with Rule 2.39. Copies of substitutes shall be furnished to committee members' offices immediately upon filing with the committee secretary, and made reasonably available by the committee secretary before the meeting, upon request, to the members of the committee and to the public. The substitute measure must be accompanied by the original measure (or measures) referred to the committee and returned to the Secretary in the same manner as a favorable report. No other standing committee of reference shall consider the original measure (or measures) but shall direct its attention to the substitute measure. 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 (or bills) as originally introduced. When the original measure is reached on the calendar, the substitute shall be read a first time by title, the original proposition shall be automatically tabled, and the substitute considered in lieu of without motion. The substitute shall carry the identifying number (or numbers) of the original and shall be returned to the Secretary in the same number of copies required for first introduction of a similar measure. The name of the introducer of the original measure (or measures) shall be shown by the committee secretary on the committee substitute unless the said introducer requests that it be omitted. A committee substitute may be co-sponsored by a Senator whose signature is affixed to the original. A Senate committee may not recommend a Senate committee substitute for a House bill.

All standing committee reports shall be signed by the chairman or, in his or her absence, the vice-chairman and shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the next legislative day except a committee drafting and recommending a committee substitute shall file such committee report no later than 4:30 p.m. of the second legislative day. These reports must be accompanied by the original bill. Each report by a committee must set forth the identifying number of the measure; if amendments are proposed by the committee, the words "with amendments" shall follow the identifying number. Committee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure. All measures reported unfavorably shall be laid on the table.

### 2.16—Standing subcommittee reports

It shall be the duty of standing subcommittees to report all measures referred to them directly to the parent standing committee, which shall promptly certify a copy to the Secretary of the Senate. The standing subcommittee shall report all measures either (a) favorably, (b) favorably with committee amendments, (c) favorably with committee substitute as defined in these Rules, or (d) unfavorably.

Such reports shall also reflect (e) the time and place of the meeting at which the action was taken, and (f) the vote of each member of the subcommittee on the motion to report each bill or resolution.

In reporting a bill to the parent standing committee, a standing subcommittee may draft a new measure, embracing the same general subject matter, to be returned to the parent 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 parent standing committee in the same manner as a favorable report.

All standing subcommittee reports shall be signed by the chairman or, in the chairman's absence, the vice-chairman and shall be made on forms prescribed by the Secretary of the Senate. 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 be printed in full on proper forms, numbered serially, and attached to the measure.

All bills reported unfavorably shall be laid on the table when the standing committee considers the standing subcommittee's report. On motion by any member of the committee, adopted by a two-thirds (2/3) vote of the committee members present, the same may be taken from the table. When a bill is thus removed from the table by a standing committee, it shall receive a hearing de novo and witnesses shall be permitted to testify.

When a bill with a favorable report by a standing subcommittee is considered by the standing committee, no additional testimony shall be permitted except on vote of two-thirds (2/3) of the standing committee members present before final action is taken; however, debate by members of the standing committee shall be allowed. This Rule shall also apply to reports on budgetary matters by the standing subcommittees of the Committee on Ways and Means for inclusion in the general appropriations bill.

#### **2.17—Quorum of committee**

A committee or standing subcommittee is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. Any bill or resolution reported in violation of this Rule shall be recommitted by the President when it is called to the President's attention by a Senator.

#### **2.18—Prefiled bills**

On receipt from the Secretary of each prefiled bill and if the President has not previously designated a standing subcommittee of reference, the chairman of a committee shall either refer to a standing subcommittee, refer to a select committee as otherwise provided in these Rules, or place on the agenda for a meeting of the standing committee. In any event, the chairman shall concurrently notify the Secretary of the Senate of his or her action on forms provided for such report. The chairman of the standing subcommittee, select committee, or of the standing committee thus possessing jurisdiction of a prefiled bill shall, with the concurrence of the President, determine the time and place for the hearing during which such bill is to be considered and notify the Secretary as required by these Rules.

Committees having jurisdiction of prefiled bills shall expedite the business of such committee and shall file reports as soon as practicable after each hearing, except that the Committee on Ways and Means shall not be required to file such report of a prefiled bill defined in these Rules.

A prefiled bill introduced solely by a Senator who will not be a Senator at the next regular session of the legislature shall be reported unfavorably without notice or hearing.

#### **2.19—Conference committee in deliberation**

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.

Conference committees 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.

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 striking everything after the enacting clause of any such bill referred to the Commit-

tee. Such amendments shall accompany the conference committee report, which shall be attached to the original measure submitted to conference. 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 reports must be approved and signed by a majority of the managers on the part of each House. All final actions taken in conference committee shall be by motion.

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

When any bill or joint resolution is referred by the President to 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 of the Senate by or at the direction of the person(s) at whose call the meeting is convened, not less than two (2) hours preceding the time for the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour preceding the time for the meeting:

1. meetings between the President (or a Senator designated to represent the President), the Governor, and the Speaker of the House (or a Representative designated to represent the Speaker);
2. meetings between a majority of the members of the conference committee or any subcommittee of the conference committee;
3. meetings between the President or any Senator(s) 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 of the House of Representatives or any Representative(s) designated to represent the Speaker; and
4. meetings of a majority of the Senate conferees; and when the bill or joint resolution 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.

Notice of meetings, as scheduled, between the chairman of the Senate's conferees with the chairman of the House's conferees, or between respective Senate and House subcommittee chairmen with each other, shall be posted on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. In the case of the appropriations conference, said notice shall also be posted on a bulletin board outside the door of the office of the Committee on Ways and Means.

All meetings for which notice is required pursuant to this Rule shall be held in the Capitol, the Senate Office Building, or the House Office Building, but shall not be held in the Chamber of either house while it is in session.

When any bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on the measure as the Senate may determine.

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, and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege. Further, during the last six (6) calendar days allowed under the 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 Chairman and Vice-Chairman**

A chairman and a vice-chairman of each standing committee shall be appointed by the President preceding the regular session held each odd-numbered year and shall continue in office at the pleasure of the Presi-

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

#### **2.21—Calling committee to order**

The chairman or, in the chairman's absence, the vice-chairman, shall call the committee to order at the hour provided by these Rules. On the appearance of a quorum the committee shall proceed with the order of business. Any member of the committee may question the existence of a quorum.

#### **2.22—Chairman's control**

The chairman or vice-chairman 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 chairman or vice-chairman may require participants in the disturbance to clear the room.

#### **2.23—Chairman's authority; appeals**

The chairman shall sign all notices, vouchers, subpoenas or reports required or permitted by these Rules. The chairman shall decide all questions of order, subject to an appeal by any Senator, and the appeal shall be certified by the chairman to the Senate for a decision by the President during the daily session of the Senate next following such certification. The ruling 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. The chairman 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 a certified question shall be disposed of by the President as if it had been on appeal. The perfection of an appeal or the certification of a question pursuant to this Rule shall not constitute an automatic stay to further legislative action on the measure under consideration.

#### **2.24—Chairman, Vice-Chairman; vote**

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

#### **2.25—Temporary alternate to Chairman**

The chairman may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting. In the chairman's absence and/or omission to make such appointment, the vice-chairman shall act during his or her absence.

#### **2.26—Vice-Chairman's duties**

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

### **PART THREE—COMMITTEES—MEMBERS**

#### **2.27—Members' attendance, voting, proxy**

Every member of a committee shall be in attendance during each of its meetings, unless excused or necessarily prevented, and shall vote on each question except that no member of a committee shall be required or permitted to vote on any question immediately concerning that member's private rights as distinct from the public interest.

The chairman may excuse any Senator for just cause from attendance at meetings of his or her committee for any stated period, and this excused absence shall be noted on the committee's records.

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 chairman of the committee, shall constitute automatic withdrawal from the committee.

No member of any committee shall be allowed to vote by proxy. A majority of all the committee members present shall agree by their votes

on the disposition of any bill or other matter considered by the committee.

### **PART FOUR—COMMITTEES—VOTING**

#### **2.28—Taking the vote**

The chairman shall declare all votes and shall cause same to be entered on the records of the committee, but if any member questions a vote, then by a show of hands by three (3) members the chairman shall count the yeas and nays. When the committee shall be equally divided, the question shall be lost.

A Senator may request to (a) change his or her vote or (b) vote before the results of a roll call are announced. After the results have been announced, a Senator with unanimous consent of those present may change his or her vote or vote. If the vote alters the final action of the committee, no change of vote or vote shall be valid until the measure has been recalled to the committee for further consideration. On request of a member prior to consideration of other business, the chairman shall order a verification of a vote.

#### **2.29—Pairing prohibited**

No pairing shall be permitted by the 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**

No Senator 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 chairman. This explanation shall be kept as part of the committee record and a copy filed with the Secretary of the Senate.

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

#### **2.32—Motions; how made, withdrawn**

Every motion may be made orally. On request of the chairman, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the chairman, 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. The mover may withdraw a motion, except a motion to reconsider, at any time before the same has been amended, or before a vote shall have commenced.

#### **2.33—Motions; precedence**

When a question is under debate, the chairman shall receive no motion except:

1. To rise
2. To take a recess
3. To reconsider
4. To limit debate
5. To temporarily pass
6. To postpone to a day certain
7. To commit to a select subcommittee
8. To amend

which shall have precedence in the descending order given.

The chairman shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

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



**2.34—Division of question**

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

**2.35—Reconsideration generally**

When a question has been decided by a committee, any Senator voting with the prevailing side may move for reconsideration of the question. Also when a question has been decided by voice vote, any member, during the meeting at which the vote was taken, may so move. Such motion may be made pending a motion to rise or if the time of adjournment has arrived. Consideration of a motion to reconsider shall be a special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned. If the committee shall refuse to consider or, upon reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except upon unanimous consent of those present. During the last fourteen (14) days of a regular session, a motion to reconsider shall be made and considered during the meeting at which the original vote was taken.

**2.36—Reconsideration; vote required**

The affirmative votes of a majority of the committee 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 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; form, notice, manner of consideration**

No amendment to any measure, which amendment was prepared prior to the committee meeting at which it is offered, shall be considered by that committee unless the amendment was filed with the committee secretary at least two (2) hours before the time the meeting was called to order. Copies of such amendment shall be made reasonably available by the committee secretary before the meeting, upon request, to the members of the committee and to the public. Neither a technical amendment nor an amendment which is prepared by a member of the committee during the committee meeting at which it is offered need be so noticed.

Amendments shall be filed on forms prescribed by the Secretary but shall be considered only after sponsors, who are members of the committee, gain recognition from the chairman to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chairman 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. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

**2.40—Sequence of amendments to amendments**

An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order: (1) Amendments to the amendment are acted on before the substitute is taken up. (2) Amendments to the substitute are next voted on. (3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

**2.41—Deleting everything ~~Striking all~~ after enacting clause**

A proposal to *delete everything* ~~strike out all~~ after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general 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 or resolution is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The chairman, 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 whole 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.

**2.44—Amendments by another committee**

Amendments recommended by all committees of reference shall accompany a bill when filed with the Secretary. No committee shall physically remove an amendment by another committee but may recommend an amendment to an amendment, or a substitute for an amendment, by another committee. Amendments adopted by a committee to be incorporated in a committee substitute need not be filed.

**PART SEVEN—COMMITTEES—DECORUM AND DEBATE****2.45—Decorum and debate**

When a Senator desires to speak or deliver a matter to the committee, the Senator shall address himself or herself to "Mr. or Madam Chairman" and, on being recognized, may address the committee and shall confine himself or herself to the question under debate, avoiding personality. 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 surname of the Senator referred to or addressed.

**2.46—Chairman's power to recognize**

When two (2) or more Senators speak at once, the chairman shall name the Senator who is to be first recognized.

**2.47—Interruptions; when allowed**

No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by rising to a question of privilege, a point of order requiring an immediate ruling, an appeal from the decision of the chairman concerning a point of order (if the appeal is made immediately following the decision), a parliamentary inquiry requiring an immediate reply, or to question the existence of a quorum. The chairman shall strictly enforce this Rule.

**2.48—Speaking rights**

When a member is speaking and another member interrupts to request recognition, the chairman may permit the person rising to state why he or she desires the floor. 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.

The member making a debatable motion or the primary 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 for debate**

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

**2.50—Limitation on debate**

When a measure is under debate by the committee, a Senator may move to limit debate, and the motion shall be decided without debate.

The introducer of the measure shall have five (5) minutes to discuss the motion, and the introducer may divide such time with, or waive it in favor of, some other member. If the question is decided in the affirmative by a two-thirds (2/3) vote of those present, the debate shall be limited accordingly. The time allotted by such limitation shall be apportioned by the chairman.

### 2.51—Priority of business

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

### 2.52—Questioning right to vote

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

### 2.53—Appeals

The proper method of taking exception to a ruling of the chairman is by appeal. An appeal from a decision of the chairman 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 chairman. This second decision is also subject to appeal.

### 2.54—Appeals debatable

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

## RULE THREE

### BILLS, RESOLUTIONS, AND MEMORIALS

#### 3.1—Form of bills

All bills shall contain a proper title, as defined in Article III, Section 6 of the 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.

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

Bills that propose to amend existing provisions of the Florida Statutes (as described in section 11.242, Florida Statutes) 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 Florida Constitution shall contain the full text of the section to be amended.

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

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 Section ..., F.S., for present text." When such notation is used, *the notation as well as the substantially reworded text* shall be underlined.

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.

*Section catchlines of existing text shall not be typed with underlining. No portion of a bill shall be typed with underlining, except as provided by this Rule.*

#### 3.2—Bills for introduction

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

#### 3.3—Form of local bills

As required by Article III, Section 10 of the 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. Forms of affidavit may be obtained from the Secretary of the Senate. All local bills that require publication shall, when introduced, have proof of publication securely attached to the original copy of the bill ~~as the first or front page thereof~~, 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.

#### 3.4—Form of joint resolutions

All joint resolutions shall contain a proper title, as defined in Article III, Section 6 of the 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 . . . .".

#### 3.5—Form of memorials

All memorials shall contain a proper title, as defined in Article III, Section 6 of the 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

All Senate resolutions and all concurrent resolutions shall contain a proper title, as defined in Article III, Section 6 of the Constitution. Standard rules of capitalization shall apply. Senate resolutions shall read, "Be It Resolved by the Senate of the State of Florida:". Concurrent resolutions shall read, "Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:".

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

#### 3.7—Introduction during session

To facilitate processing and committee referencing, all bills shall be *filed for introduction with the Secretary of the Senate no later than 12:00 noon of the first day of the regular session. delivered to the Secretary of the Senate no later than 12:00 noon of the fourth day (excluding Saturday and Sunday) preceding the day of introduction. This Rule may be waived only on unanimous consent of those present, but the motion shall not be entertained until the movant notifies the Senate orally, not less than thirty (30) minutes preceding the motion, of his or her intention to move for the waiver of this Rule so as to have introduced a specific bill or bills sponsored by that Senator. The adoption of such motion shall be construed as reverting the Senate to the Order of Introduction and Reference of Bills solely for receiving said bill or bills for formal introduction and reference.*

Between regular sessions of the Legislature, bills may be prefiled by delivery to the Secretary of the Senate.

#### 3.8—Prefiled bills

A prefiled 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. A bill received by the Secretary within three (3) weeks next preceding the convening of a regular session shall be numbered but otherwise withheld from the operation of this Rule. Such a bill shall be treated as if it had been delivered for introduction on the first day of the succeeding regular session.

The Secretary shall deliver 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 chairman of the first or only committee of reference. A copy of each prefiled bill shall be provided each Senator. The Secretary shall mail regularly to

each Senator a calendar of all prefiled bills, including the referencing data for each bill, and of all committee hearings, including the bills noticed for hearing by each.

After having been considered by a committee and a report made to the Secretary at least seven (7) days preceding a regular session, each bill shall be introduced and read on the first (1st) day thereof, pursuant to the Constitution, Laws of Florida, and these Rules. The Journal shall reflect the committee reference and the report of the committee. All requirements for the referencing of bills to and the consideration of bills by Senate committees shall be deemed to have been met and discharged if the jurisdictional requirements of this Rule have been complied with as to each of such bills.

If a committee fails to deliver its report of a prefiled bill prior to seven (7) days next preceding the convening of a regular session or, if a prefiled bill has received a reference to more than one (1) committee and less than all considered such bill, the committee or committees failing to so report and the committee or committees having failed to discharge their jurisdiction of a bill shall conduct hearings and file reports during the regular session as if such bill had not been prefiled.

Notwithstanding these Rules, a Senator may, during the day of introduction of prefiled bills, but no later than under the Order of Business of "Motions Relating to Committee Reference" on the second legislative day on which the Senate meets, 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 present.

### 3.9—Printed copies of bills

When introduced, bills, not local in application, and joint resolutions (including committee bills and committee substitute bills) shall be printed by the Secretary for the information of the Senate and the public. The absence of a printed 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 Committee on Ways and Means shall be made available to the members and upon request, to the public, at the office of the Secretary of the Senate and at the committee's office, no less than two (2) hours prior to the time the Committee on Ways and Means 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 at the desk of the Secretary. They shall be serially numbered 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 machines as used in banks for validating or cancelling checks or other documents, or made by any other 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

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

### 3.12—Introducers of bills

Bills shall be introduced by a Senator or group of Senators whose signature or signatures are affixed to the original, or by any committee with the name of the committee and the signature of the chairman of the committee affixed to the original. A bill introduced by a committee may be co-sponsored by any Senator whose signature is affixed to the original. The general appropriations bill shall be introduced by the Committee on Ways and Means.

### 3.13—Fiscal notes

Upon being favorably reported by a standing 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 implications of the bill or joint resolution, must be considered.* ~~the present and future fiscal implications of the bill or joint resolution and shall also embrace the requirements of sections 11.075 and 11.076, Florida Statutes, relating to economic impact.~~ The fiscal note shall not express opinion relative to the merits of the measure, but may identify technical or mechanical defects.

Fiscal notes on those 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.

Fiscal notes shall be regarded as memoranda of factual information and shall be made available to members of the Senate.

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 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—Sessions of the Senate

The Senate shall meet pursuant to a schedule adopted by the Committee on Rules and Calendar and approved by the President. This schedule shall set forth hours to convene and adjourn. *The Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 9:00 p.m.*

#### 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.

#### 4.3—Daily order of business

The daily order of business shall be as follows:

1. Roll call
2. Prayer
3. Reports of committees
4. Motions relating to committee reference
5. Messages from the Governor and other executive communications
6. Messages from the House of Representatives
7. Matters on reconsideration
8. Special Order as determined by the Committee on Rules and Calendar
9. Consideration of bills on third reading
10. Consideration of bills on second reading
11. Correction and approval of Journal

The Secretary of the Senate shall prepare and distribute, on each legislative day, 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.

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.

On the first legislative day of each week the Daily Order of Business shall include, after prayer, the Pledge of Allegiance to the Flag of the United States of America.

First reading of bills shall be accomplished by publication of the title thereof in the journal pursuant to Article III, Section 7 of the Florida Constitution as amended.

#### **4.4—Committee of the whole**

By a majority vote of those present, the Senate may resolve itself into a Committee of the Whole and, when thus constituted, may consider any question whether formally introduced in the Senate or not. The Senate may, however, restrict the subject matter to be considered by the Committee of the Whole, or its jurisdiction, by resolving itself into a Committee of the Whole for a specific and limited purpose. The President shall preside and maintain order and decorum. The Rules of the Senate applicable to standing committees shall govern when applicable. The Committee of the Whole may consider and report, by majority vote of those present, on any bill or question not formally introduced in the Senate and any bill on which all standing committees of reference have rendered a favorable report. A bill on which committee action has been taken by the committee or committees of reference or on which an unfavorable committee report has been filed may be considered only on two-thirds (2/3) vote of those present. Such vote shall also be required to favorably report any such bill to the Senate. A bill thus originating in a Committee of the Whole shall, when introduced as contemplated by the Constitution, receive no further reference to committee. A favorable report by a Committee of the Whole on a bill having theretofore received an unfavorable report by a standing committee of reference shall not have the effect of withdrawing such bill from the table. Consideration by the Senate of such a bill shall be preceded by the adoption of the appropriate motion during a session of the Senate. Bills considered by a Committee of the Whole shall be read once, debated, amended, and acted on as a standing committee function. The body of a bill formally introduced shall not be interlined or defaced, but all amendments denoting the page and line shall be entered on a separate paper by the Secretary of the Committee of the Whole. The same shall be agreed to by the Committee, and the report filed as otherwise provided in these Rules for committee reports. After report, the bill or other matter may be again debated and shall be subject to be again amended by the Senate. The quorum for a Committee of the Whole shall be the same as for the Senate, and when the Committee of the Whole shall rise, the roll shall be called to ascertain the presence of a quorum of the Senate.

#### **4.5—Conference committee report**

The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days, and on the completion of the second reading the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last five (5) days of a regular session the report shall be read only once. 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.

The report must be acted on as a whole, being adopted or rejected, and 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.

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

#### **4.6—Reference generally; final days for introduction of bills and resolutions**

All bills, including those that are strictly local in nature and those prefiled in accordance with these Rules, shall be referred by the Presi-

dent to appropriate committees or standing subcommittees. 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 as may be recommended by the sponsor. 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. If the President has not previously designated a standing subcommittee of reference, the chairman of the standing committee shall promptly determine whether such measure shall initially be considered by the full committee, a standing subcommittee, or a select subcommittee appointed by the chairman. The chairman, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chairman of the standing committee shall promptly report this reference and the time allowed for consideration to the Secretary of the Senate on forms provided for the purpose. The reference of a bill that is local in nature shall be to the Committee on Rules and Calendar to determine whether such measure is, in fact and function, local in nature and whether it responds to the legal requirements of a local bill. A bill is local in nature if it does not alter a law of general application throughout the state and affects no more than one county. When the Committee on Rules and Calendar, through staff analysis, has determined a bill is in fact and law a local bill, it shall be reported and referred to the calendar on local bills. When the Committee on Rules and Calendar, through staff analysis, determines a bill is not local in nature, a report stating the reasons therefor shall be furnished to the President of the Senate who shall refer such bill to an appropriate standing committee for hearing. Such determination and report shall be made within fifteen (15) legislative days from date of reference.

All Senate bills filed for introduction after *12:00 noon on the first day 5:00 p.m. of the fourth day* of the regular session (except for the general appropriations bill, local bills, and joint resolutions) and resolutions filed after the thirtieth day shall be referenced, but shall be withheld from the committee or committees of reference until after adjournment sine die of such session.

A motion to waive this Rule shall be referred to the Committee on Rules and Calendar 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 them to provide identity and control until a permanent number can be affixed. These bills shall be known as prefiled bills and considered in accordance with these Rules.

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

In case of multiple reference of a bill, it shall be considered by each committee separately in the order in which the multiple reference is 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 on two-thirds (2/3) vote of those present. If a committee reports a committee substitute favorably, other committee consideration shall be directed to the substitute and not to the original.

#### **4.8—Reference of bills affecting appropriations, revenue, retirement or county or municipal spending**

All bills authorizing or substantially affecting appropriations and all bills authorizing or substantially affecting tax revenue shall be referred to the Committee on Ways and Means. All bills substantially affecting a state-funded or state-administered retirement system shall be referred to the Committee on Governmental Reform and Oversight. All bills which are affected by the provisions of Article VII, Section 18, Florida Constitution shall be referred to the Committee on Community Affairs. 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, Florida Constitution shall, before being placed before the Senate for final passage, be referred along with all amendments to the Committee on Ways and Means, or the Committee on Governmental Reform and Oversight, or the Committee on Community Affairs, as appropriate for review and recommendation to the Senate

which review during the last ten (10) days of a regular session shall be accomplished within twenty-four (24) hours.

#### **4.9—Reference of resolutions and veto messages**

All resolutions shall be referred by the President to a standing committee, except resolutions on Senate organization, resolutions of condolence and commemoration, or concurrent resolutions recalling a bill from the Governor's office. These may be considered on motion and adopted at time of introduction without reference. All veto messages shall be referred to the Committee on Rules and Calendar.

#### **4.10—Reference to different committee or removal**

When the President has referred a bill, a Senator may, no later than under the Order of Business of "Motions Relating to Committee Reference" on the following legislative day on which the Senate meets, move for reference to a different committee or for removal from any committee after filing a card with the *Rules Chairman Secretary* signed by the chairman of the affected committee and the chairman of the Committee on Rules and Calendar. This motion may be adopted by a two-thirds (2/3) vote of those present.

#### **4.11—Papers of miscellaneous nature**

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 present.

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

Each bill or joint resolution shall receive three (3) separate readings on three (3) separate days previous to a vote on final passage unless two-thirds (2/3) of those present decide otherwise as provided in the Constitution under Article III, Section 7.

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

Each concurrent resolution or memorial shall receive two (2) separate readings on two (2) separate days previous to a voice vote on adoption, unless two-thirds (2/3) of those present decide otherwise. If the reading on the second day is dispensed with by this waiver, the concurrent resolution or memorial may be read the second time by title only.

#### **4.14—Reading of Senate resolutions**

On introduction each Senate resolution shall be read by title only and shall be read an additional time in full before the question is put on adoption by voice vote.

#### **4.15—Referral or postponement on third reading**

On the third reading of a bill or joint resolution, it shall not be referred or committed (except to the Committee on Ways and Means) or amended (except a corrective or title amendment) without consent of two-thirds (2/3) of those present, nor shall the vote on passage be postponed to a day certain without the consent of a majority of those present.

#### **4.16—Consideration out of regular order**

A bill shall be considered out of regular order on the calendar on unanimous consent of those present obtained in the following manner: Prior to the consideration of the motion, the Senator moving for unanimous consent of those present shall orally give the membership not less than fifteen (15) minutes' notice of his or her intention to move and shall specify the number of the bill or joint resolution 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 present shall be given or refused without further debate.

#### **4.17—Special order calendar; consent calendar**

Commencing on the first day of a regular session of the legislature permitted under the Constitution and during any extension directed by

the membership of the legislature as permitted under the Constitution, the Chairman of the Committee on Rules and Calendar or the Chairman's designee, the Vice-Chairman of the Committee on Rules and Calendar or the Vice-Chairman's designee, the Minority Leader or the Minority Leader's designee, and two (2) other members of the committee designated by the chairman shall on each day submit a Special Order Calendar determining the priority for consideration of bills. During the first fifty (50) days of a regular session, except for the first day, each Special Order Calendar shall be for the second succeeding legislative day on which the Senate meets, and this calendar may include bills that had been scheduled for special order on the previous legislative day. No other bills shall be considered until this Special Order Calendar has been completed by the Senate, except that any bill appearing on this calendar may be stricken by a two-thirds (2/3) vote of those present or any bill appearing on the general calendar of bills on second or third reading may be added to the end of the Special Order Calendar by the same vote. All bills set as special order for consideration at the same hour shall take precedence in the order in which they were given preference.

A vote of two-thirds (2/3) of those present shall be required to establish a Special Order except as provided in this Rule. Notice of time and place for the establishment of the Special Order shall be published in the daily calendar; provided, during the last ten (10) days of each regular session notice of time and place may be given by announcement from the floor.

The Committee on Rules and Calendar, with the approval of the President, may submit a consent bill calendar to be held in conjunction with the Special Order Calendar. When such a day is designated, all bills appearing on the consent calendar shall be considered in their order of appearance. However, if an objection by any member shall cause such bill to be temporarily passed, it retains its order on the regular calendar. A Senator may designate only a bill that he or she sponsors or a House bill for the consent calendar. A committee chairman may designate a committee bill sponsored by his or her committee. All consent calendar bills must have appeared on the printed Senate calendar.

#### **4.18—Calendar of local bills**

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 Committee on Rules and Calendar or its designees and approved by the President.

#### **4.19—Order after second reading**

The order of disposition of a bill that has been read the second time shall be its reference to the engrossing clerk to be engrossed after all questions relative to it while on second reading have been disposed of, and the same shall be immediately engrossed and placed on the calendar of bills on third reading to be considered on some succeeding legislative day. No bill shall be committed to the engrossing clerk or placed on the calendar of bills on third reading unless all motions relative to it and placed, by the President, before the Senate have been disposed of. Amendments filed with the Secretary, the adoption of which have not been formally moved, shall not be construed to be pending so as to deter such advancement. A bill shall be available for its third reading when it has been read a second time on a previous day and no motion left pending. Bills calendared for second or third reading shall not be considered on such reading until reached on the calendar and appropriately read to the Senate pursuant to order of the President.

#### **4.20—Enrolling**

The Secretary of the Senate shall be responsible for the enrolling of all bills. After enrollment, all bills shall be signed by the President and the Secretary, and the fact of such signing shall be noted in the Journal.

#### **4.81—Claim bills**

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

b. All claim bills shall be first referred by the President to a Senate Special Master who shall conduct a de novo hearing, pursuant to reasonable notice, and determine liability, proximate cause and damages. Dis-

covery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, tape 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.

c. On receipt of the Special Master's report and recommendations, the Secretary shall, under the President's initial reference, deliver each claim bill with the report attached, to the committee or committees of reference.

d. On receipt of the Special Master's report and recommendations concerning an equitable claim that is unsupported by an excess judgment, the committee chairman shall refer the claim bill and Special Master's report to a standing subcommittee or select subcommittee, as appropriate, to consider and make a recommendation to the committee thereon. A select subcommittee shall consist of not less than three members of the Senate representing geographic areas outside that from which the claim bill arises and shall notice, hear and report each claim bill and Special Master's report referred to it in the same manner as any other bill.

e. Stipulations entered into by the parties are not binding on the Special Master, the Senate or its committees.

f. The hearing and consideration of a claim, any element of which is pending in litigation, shall be held in abeyance until all judicial activity thereon, including any appellate proceedings, shall have come to rest.

## RULE FIVE

### VOTING

#### 5.1—Taking the yeas and nays

The President shall declare all votes, but, if five (5) Senators immediately question a 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. Also this system may 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 machine and Senators prepare to vote." When sufficient time has elapsed for each Senator to vote, the President shall say: "Have all voted?". And, after a short pause, shall state: "The Secretary shall now lock the machine and record the vote." When the vote is completely recorded, the President shall announce the result to the Senate; and the Secretary shall enter in the Journal the result. When the Senate is equally divided, the question shall be lost.

#### 5.2—Change of vote

After the result of the vote has been announced by the President, a Senator with unanimous consent of those present may change his or her vote or vote on the measure except that no such change of vote or vote shall be valid where such vote would alter the final passage of the measure until the measure shall first have been recalled to the Senate for further consideration. Records of such requests shall be available at the Secretary's desk through the session. If no objections are raised before the close of the business that day, requests will be accepted.

The original roll call shall not be altered, but late votes and change of votes shall be recorded under the original roll call in the Journal. On request of a Senator before considering other business, the President shall order a verification of a vote.

#### 5.3—Casting vote for another

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. In addition to such penalties as may be prescribed by law, a Senator who shall without such

authorization vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, a person not a Senator who shall vote wrongfully in the place of a Senator shall be excluded from the Chamber for the remainder of the session.

#### 5.4—Pairing

Pairing shall be permitted only on the absence of a Senator excused from attendance and shall specifically state, in writing, the bill or bills to which the pair applies.

#### 5.5—Explanation of vote

No Senator shall be permitted to explain his or her vote during a roll call but may submit his or her explanation in writing and file it with the Secretary. This explanation shall be entered in the Journal.

#### 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 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

Every motion 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. 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

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

1. To adjourn
  - (a) Instantly
  - (b) At a time certain
2. Questions of privilege
3. To take a recess
4. To proceed to the consideration of executive business
5. To reconsider
6. To limit debate
7. To temporarily pass
8. To postpone to a day certain
9. To commit to the Committee of the Whole
10. To commit to a standing committee
11. To commit to a select committee
12. To amend
13. To postpone indefinitely

which shall have precedence in the descending order given. 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 and questions of privilege.

The President shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one substitute shall be entertained and the substitute shall be in the same order of precedence.

#### 6.3—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible;

a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

#### 6.4—Reconsideration generally

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 same or the next legislative day on which the Senate meets. If the question has been decided by voice vote, any Senator may so move. Such motion may be made pending a motion to adjourn or if it is time to adjourn. Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate when it next meets on a legislative day succeeding that on which the motion was made and, unless considered on said day, shall be considered 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 present. During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day. When a majority of those present vote in the affirmative on any question but the proposition be lost because it is one in which the concurrence of more than a majority of those present is necessary for adoption or passage, any Senator may move for reconsideration.

#### 6.5—Reconsideration; vote required

A majority of the affirmative votes of those present shall be required to adopt a motion to reconsider.

#### 6.6—Reconsideration; debate

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 nor 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 on which 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 any motion to waive the Rules by a two-thirds (2/3) vote of those present and immediately certify any bill or joint resolution 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. During the last five (5) calendar days allowed under the Constitution for a regular session and during any extensions thereof, or during any special session, the bills shall be immediately transmitted to the House. Messages relating to Senate action on House amendments or to conference committee reports shall be transmitted forthwith.

#### 6.9—Motion to indefinitely postpone

The adoption of a motion to indefinitely postpone a measure shall dispose of it 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 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.

### RULE SEVEN

#### AMENDMENTS

#### 7.1—General form; notice; manner of consideration

No amendment prepared prior to the time a session of the Senate has convened shall be considered by the Senate unless the amendment was

filed with the Secretary of the Senate at least two (2) hours before the time that session was called to order. Copies of such amendments shall be made reasonably available by the Secretary of the Senate before the session, upon request, to the members and to the public. Neither a technical amendment nor an amendment which is prepared by a member during the session at which it is offered need be so noticed.

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 chairman of the committee (or, in the chairman's absence, the vice-chairman or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. 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 of the Senate but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment. Bills which have received an unfavorable committee report, *have been withdrawn from further consideration by the sponsor*; and bills the substance of which have not been reported favorably by ~~all a committee or~~ committees of reference, are out of order and shall not be admitted or considered under color of amendment to a bill on the calendar and under consideration by the Senate; amendments covered by this Rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference.

#### 7.2—Adoption

Amendments may be adopted on second reading by a majority vote of those present and on third reading by a two-thirds (2/3) vote of those present. Amendments to the title or corrective amendments may be decided, without debate, by a majority vote of those present on third reading.

#### 7.3—Sequence of amendments to amendments

An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order: (1) Amendments to the amendment are acted on before the substitute is taken up. Only one amendment to the amendment is in order. (2) Amendments to the substitute are next voted on. (3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

#### 7.4—~~Deleting everything~~ ~~Striking all~~ after enacting clause

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

#### 7.5—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 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, the same shall be noted by the Secretary on the jacket before it is reported to the House.

**7.8—House amendments to Senate bills**

After the reading of a House amendment to a Senate bill, the Senate may: (1) amend the House amendment, (2) concur in the House amendment, (3) refuse to concur in the House amendment and ask the House to recede, or (4) request a conference committee. The adoption of all the foregoing motions shall be by majority vote of those present.

**7.9—House refusal to concur in Senate amendment**

If the House shall refuse to concur in a Senate amendment to a House bill, the following motions shall be in order and shall be privileged in the order named: (1) that the Senate recede, (2) that the Senate insist and ask for a conference committee, or (3) that the Senate insist. The adoption of any of the foregoing motions shall be by majority vote of those present.

**RULE EIGHT****DECORUM AND DEBATE****8.1—Decorum and debate**

When a Senator desires to speak or deliver 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. 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 name the Senator who is first to be recognized.

**8.3—Interruptions; when allowed**

No Senator shall be interrupted by another without the consent of the Senator who has the floor, except:

1. by rising to a question of privilege;
2. by rising to a point of order requiring an immediate ruling;
3. by appeal from the decision of the presiding officer concerning a point of order (if the appeal is made immediately following the decision);
4. a parliamentary inquiry requiring an immediate reply; or
5. a question of no quorum.

The presiding officer shall strictly enforce this Rule.

**8.4—Senator speaking, rights**

When a member is speaking and another member interrupts to request recognition, the presiding officer may permit the person rising to state why he or she desires the floor. 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 then is entitled to resume the floor.

The Senator making a debatable motion or the primary 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 present.

**8.6—Limitation of debate**

When a measure 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 measure shall have five (5) minutes to discuss said motion. If, by two-thirds (2/3) vote of those present, the question is decided in the affirmative, debate shall be limited accordingly.

**8.7—Points of order, parliamentary inquiry, definitions**

A point of order is the parliamentary device that is used to require a deliberative body to observe its own rules and to follow established parliamentary practice. A parliamentary inquiry is the device for obtaining a predetermination of a rule or a clarification thereof and may be presented in hypothetical form.

**8.8—Questioning right to vote**

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

**8.9—Appeals**

Taking exception to a ruling of a presiding officer shall be by appeal. An appeal from 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 decision is also subject to appeal.

**8.10—Appeals, debatable**

An appeal from 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**

Questions of privilege shall be: first, those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and second, the rights, reputation, and conduct of Senators individually, in their representative capacity only. These shall have precedence over all other questions except motions to adjourn. The question shall not be recognized during the debate on a bill. A question of privilege affecting either house collectively takes precedence over a question of privilege affecting an individual member.

**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 House and Senate.

**9.2—Obligations of lobbyist**

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.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his or her relationship with legislators.

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.

**9.3—Lobbyists' requirements**

A lobbyist shall adhere to the statutory requirements for lobbyists provided by law and the Joint Rules.

**9.4—Advisory opinions**

A lobbyist, when in doubt about the applicability and interpretation of this Rule in a particular context, may submit in writing a statement of the facts involved to the Committee on Rules and Calendar and may appear in person before said committee.

The Committee on Rules and Calendar 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 of the Senate.

#### 9.5—Compilation of opinions

The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Rules and Calendar.

#### 9.6—Penalties for violations

Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of this Rule shall be censured, reprimanded, placed on probation, or prohibited from lobbying for the duration of the session and from appearing before any committee of the Senate. Said determination shall be made by a majority of the Senate and on recommendation of the Committee on Rules and Calendar. The Committee on Rules and Calendar, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this Rule and granting such person an opportunity to appear at the hearing.

#### 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 with the requirements of this Rule, the Joint Rules and the laws of Florida, and shall report violations. No committee member shall knowingly permit an unregistered lobbyist to be heard.

### RULE TEN

#### CHAMBER OF THE SENATE

#### 10.1—Persons entitled to admission

No person shall be admitted to the main floor of the Senate Chamber while the Senate is in session 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, members or 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. A special section of the gallery shall be reserved for members of the families of Senators.

#### 10.2—Exception

None of the persons entitled to admission shall be admitted if registered pursuant to Rule 9.

#### 10.3—Admission of press by President

Representatives of the press and of radio and television stations, in performance of their duties, shall be assigned to a press section specifically set aside for them, and shall not be allowed on the Senate floor while the Senate is in session, except with the approval of the President.

#### 10.4—Attire

All male persons on the main floor of the Senate and in the gallery (with the exception of visitors in that portion of the gallery set aside for the general public) shall wear coats and ties at all times while the Senate is in session.

#### 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 presiding officer for the time being, to interpret all Rules. Motions for the previous question and to lay on the table shall not be entertained.

#### 11.2—Waiver and suspension of Rules

These Rules shall not be waived or suspended except by a two-thirds (2/3) vote of all Senators present. The motion, when made, shall be decided without debate. A motion to waive a rule requiring unanimous consent of the Senate shall be construed to be an amendment to these Rules and shall be referred to the Committee on Rules and Calendar except by unanimous consent of those present.

#### 11.3—Changes in Rules

All proposed actions touching the Rules and Order of Business in the Senate shall be first referred to the Committee on Rules and Calendar, which shall report as soon as practicable. Consideration of such a report shall always be in order. The Committee on Rules and Calendar may originate reports and resolutions dealing with these Rules and the Order of Business, 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 the members present.

#### 11.4—Majority action

Unless otherwise indicated by these Rules or the Constitution of Florida, all action by the Senate shall be by majority vote of those Senators present.

#### 11.5—Uniform construction

When in these Rules reference is made to “two-thirds (2/3) of those present”, “two-thirds (2/3) vote”, “two-thirds (2/3) of the Senate”, “two-thirds (2/3) of those voting”, etc., these shall all be construed to mean two-thirds (2/3) of those Senators present, except that two-thirds (2/3) of the Senate shall be required to consider additional proposed legislation in any extended session in accordance with Article III, Section 3 of the Constitution.

#### 11.6—General

When used in these Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning: the singular always includes the plural. Except where specifically provided otherwise, the use of the word “bill” or “measure” means a bill, joint resolution, concurrent resolution, resolution, or memorial.

### 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 Constitution of Florida.

#### 12.2—Executive session; purpose

Pursuant to Article III, Section 4(b) of the Constitution of Florida, 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 and the Secretary of the Senate, 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 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—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 a secret except information on which the bans of secrecy were lifted by the Senate while in executive session.

**12.5—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 Rule as to the secrecy 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**

(a) 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 Committee on Executive Business, Ethics and Elections, other appropriate committee or to a Special Master appointed by the President. Either one 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 or the Special Master appointed pursuant hereto are advisory only and shall be made to the Senate President. The report of the committee or the 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 Committee on Rules and Calendar for its consideration and report. When the report is presented to the Senate in open session or received by the Committee on Rules and Calendar, the report shall lose its privileged and confidential character.

(b) An executive suspension of a public official who is under indictment or who has pending against him or her criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the Committee on Executive Business, Ethics and Elections, 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, the committee or the 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.

In a suspension case in which the criminal charge is not for the alleged commission of a felony, the committee or the Special Master, and the Senate may proceed if the written consent of counsel for the Governor and of the suspended official is obtained.

(c) The Governor and the suspended official shall be given reasonable notice in writing of any hearing or pre-hearing conference before the committee or Special Master.

(d) The suspended official may file with the Secretary of the Senate, no later than ten (10) days prior to the first pre-hearing conference, or no later than the date set by the committee or Special Master if no pre-hearing conference is held, all written defenses or matters in avoidance of the charges contained in the suspension order.

(e) When it is advisable, the committee 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 the receipt of such bill of particulars by the suspended officer, that officer shall file with the committee or Special Master a response to the Governor's bill of particulars. 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.

(f) The committee or Special Master may provide for a pre-hearing 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, and photocopies of all documentary 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.

(g) Subject to the limitations of Rule 12.7(b) the committee or Special Master shall institute action by transmitting a notice of hearing for a pre-hearing conference or a hearing on the merits within three (3) months after the effective date of the suspension order. If a suspension order is referred to the committee or Special Master but is held in abeyance in accordance with Rule 12.7(b), the committee or Special Master shall institute action within three (3) months after the termination of pending proceedings as described in Rule 12.7(b). The Senate may act on the recommendations of the committee or Special Master at any time it is in session but shall do so no later than the end of the next regular session of the legislature.

(h) For the purposes of Article IV, Section 7(b) of the Constitution of Florida, 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.

(i) If the Governor files an amended suspension order, the attention of the Senate, the committee or the Special Master shall be directed at the amended suspension order.

(j) Within sixty (60) days after the Senate has completed final action on the recommendation of the committee 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 or Special Master may dispose of such exhibits or other evidence.

**12.8—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.

**12.9—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.

**12.10—Issuance of subpoenas and process**

The committee and the 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 chairman and the 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 or Special Master.

**12.11—Rule takes precedence**

In any situation where there is a direct conflict between the provisions of Rule 12 and Part V of chapter 112, Florida Statutes, the Rule, derived from Article III, Section 4(a) of the Constitution of Florida, shall take precedence.

**RULE THIRTEEN****SPECIAL SESSION****13.1—Applicability of Senate Rules**

All Senate Rules in effect on adjournment of the next preceding regular session shall apply and govern during special sessions except to the extent specifically modified or contradicted herein.

**13.2—Sessions of the Senate**

The Senate shall meet each legislative day at 9:00 a.m. or pursuant to a schedule adopted by the Committee on Rules and Calendar and approved by the President.

**13.3—Committee meetings; schedule, notice**

Committee meetings shall be coordinated and scheduled by the Committee on Rules and Calendar, or a subcommittee thereof. Meetings of standing committees and standing subcommittees scheduled in accordance with this Rule may be held following an announcement by the

chairman while the Senate is in session, and by posting a notice on a bulletin board in the public corridor leading into the Senate Chamber for two (2) hours in advance of the meeting. The notice posted shall include the date, time, and place of the committee meeting, and short title and the bill number of each bill to be considered. All other provisions for publication of notice of committee meetings are suspended.

### 13.4—Delivery for introduction

All bills and other measures for introduction may be delivered to the Secretary of the Senate at any time.

### 13.5—Committee reports

Every bill, joint resolution, resolution, and memorial referred to a standing committee or committees shall be reported to the Secretary before 4:30 p.m. of the third calendar day from the day of reference (the day of reference not being counted as the first day) unless otherwise ordered by the Senate by majority vote of those present. Any bill on which no committee report is filed may be withdrawn from such committee and calendared on point of order. Every bill, joint resolution, resolution, and memorial referred to a standing subcommittee shall be reported to the standing committee at a time specified by the chairman of the standing committee which shall not be beyond the time allowed herein.

### 13.6—Conference committee reports

The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days and, on the completion of the second reading, the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last two (2) days of a special session the report shall be read only once.

The report must be acted on as a whole, being adopted or rejected, and 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.

Conference committees 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.

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 striking 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.

When a bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on said measure as the Senate may determine.

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 made and considered on the same day.

### 13.8—Special order calendar

The Committee on Rules and Calendar may submit a Special Order Calendar determining the time and priority for consideration of bills.

## RULE FOURTEEN

### SEAL AND INSIGNIA

#### 14.1—Seal and Insignia

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 a fan of the five flags which have flown over Florida, 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 the "State of Florida".

There shall be an official coat of arms for the Senate. The coat of arms shall contain a fan of the five flags that have flown over Florida, above the Great Seal of Florida. At the base of the coat of arms shall be the words: "The Florida Senate".

## JOINT RULES

### JOINT RULE ONE

#### LOBBYIST REGISTRATION AND REPORTING

#### 1.1—Those Required to Register; Exemptions; Committee Appearance Records

(1) All lobbyists before the Florida Legislature must register with the Joint Legislative Management Committee. Registration is required for each principal represented.

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

(a) "Designated lobbyist" means a lobbyist who is appointed by the principal to file the Consolidated Expenditure Report.

(b) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(c) "Lobby" or "lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(d) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a "lobbyist" unless the employee is principally employed for governmental affairs. "Principally employed for governmental affairs" means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. Any person employed by any executive, judicial, or quasi-judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

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

(f) "Principal" means the person, firm, corporation, or other entity which 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.

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

(a) Response to an inquiry for information by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services which arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is

subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

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

- (a) A member of the Legislature.
- (b) A person who is employed by the Legislature.
- (c) A judge who is acting in that judge's official capacity.
- (d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer's official capacity.
- (e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.
- (f) A person employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record on a form to be provided by the respective house.

#### 1.2—Method of Registration

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the Joint Legislative Management Committee, on which that person must state, under oath, that person's name, business address, and phone number, the name and business address of each principal that person represents, the areas of that person's legislative interest, and the extent of any direct business association or partnership that person has with any member of the Legislature. The Joint Legislative Management Committee or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Joint Legislative Management Committee in writing within 15 days.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. Any person required to register must renew the registration annually, in accordance with Joint Senate and House Rule 1.3.

(3) If a principal has one lobbyist registered, another lobbyist for that principal shall not be allowed to register until one of the lobbyists has been appointed by the principal in writing to the Joint Legislative Management Committee as the principal's designated lobbyist for expenditure reporting. A principal may appoint its first registered lobbyist as the designated lobbyist upon that lobbyist's registration and may change its designated lobbyist at any time.

(4) Each person who registers must submit quarterly to the Joint Legislative Management Committee, on forms furnished by the committee, a signed and certified statement listing all lobbying expenditures and sources of funds for those expenditures as required in Joint Senate and House Rule 1.4. Reporting statements shall be filed on April 15, July 15, October 15, and January 15 of each year and shall include the expenditures for the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The reporting statement filed on January 15 shall also include cumulative totals for the previous calendar year. A reporting statement shall be considered timely filed if it is postmarked by the specified date. A request for an extension of time may be filed with the Joint Legislative Management Committee, on forms provided by the committee. The request for an extension must be signed and indicate that expenditures were incurred for the reporting period. An extension of 75 days shall be automatically granted as long as an extension request is filed by the date the reporting statement is due. To obtain an extension for a Consolidated Expenditure Report, the designated lobbyist must request the extension, and the extension shall cover all reports necessary to prepare the Consolidated Expenditure Report. A statement need

not be filed for a reporting period if no expenditures have been made during that reporting period. However, the registrant shall certify in the report due January 15 that there were no expenditures during any reporting period for which a report was not filed. Reporting statements, when feasible, may be filed by electronic means.

(5) The Joint Legislative Management Committee shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(6) The Joint Legislative Management Committee shall retain all original documents submitted under this section.

(7) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 112.3148 and 112.3149, Florida Statutes, relating to reporting and prohibited receipt of gifts and honoraria.

#### 1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the Joint Legislative Management Committee. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

- (a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.
- (b) Two employees of the Game and Fresh Water Fish Commission.
- (c) Two employees of the Executive Office of the Governor.
- (d) Two employees of the Commission on Ethics.
- (e) Two employees of the Florida Public Service Commission.
- (f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to \$50 per each house for a person to register to represent one principal and up to an additional \$10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the Joint Legislative Management Committee. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Joint Legislative Management Committee. The fees collected by the Joint Legislative Management Committee under this joint policy shall be deposited in the State Treasury and credited to the appropriation for legislative expenses specifically to cover the costs incurred in administering this joint policy.

#### 1.4—Periodic Reports Required

(1) **MANNER OF REPORTING.**—All lobbying expenditures shall be reported on an Individual Lobbyist's Expenditure Report or a Consolidated Expenditure Report. An "expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made or controlled, directly or indirectly, by a lobbyist or principal for the purpose of lobbying. Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any defined category, it should be reported in the "Other" category. Expenditures shall be accounted for and reported on either a cash or accrual accounting basis. The basis selected shall be designated in the space provided on the applicable expenditure report and shall be the basis consistently used, during the entire calendar year, for reporting quarterly and annual expenditures.

(2) **GOODWILL EXPENDITURES.**—An expenditure shall be considered to have been intended to be for the purpose of engendering goodwill if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or an employee of the Legislature unless the member or employee is a relative of the lobbyist. 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, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, 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.

(3) EXPENDITURE CATEGORIES.—The categories of expenditures used in this rule are as follows:

(a)1. “Communications” means dissemination of information, including, but not limited to, by means of the following:

- a. Audio-visual materials; and
  - b. Signs, placards, banners, buttons, promotional materials, and other display materials;
- together with any associated production services.

2. This category does not include media advertising, publications, or research.

(b) “Entertainment” means amusement or recreation, including, but not limited to, sporting, hunting, fishing, theatrical, artistic, cultural, and musical activities or events.

(c) “Food and Beverages” means meals, snacks or other edible substances, or liquids for drinking, including services associated therewith.

(d) “Lodging” means sleeping or living accommodations for an individual for one or more nights.

(e) “Media Advertising” means newspaper and magazine advertising, radio and television advertising, and outdoor advertising, including production services and copywriting services.

(f) “Other” means any item or service that is not included within one of the specified categories, but does not include any item or service that is not required by law to be reported.

(g) “Publications” means mass-produced, printed materials, including, but not limited to, magazines, newsletters, brochures, or pamphlets, which expressly encourage persons to communicate with members or employees of the Legislature to influence the official actions of members or employees of the Legislature or which are designed to communicate with members or employees of the Legislature.

(h) “Research” means procurement of information relating to a specific issue, regardless of the form or medium in which that information is provided, including, but not limited to, surveys, bill-tracking services, information services, periodicals, and consultants or consultant services to gather data or statistics.

(i) “Special Events” means large-scale occurrences, including, but not limited to, receptions, banquets, dinners, or legislative days, to which more than 250 persons are invited and for which the expenditures associated with hosting the occurrence are negotiated with a catering service or facility at a single, set price or which include multiple expenditure categories.

(j) “Travel” means transporting an individual from one place to another, regardless of the means used.

(4) ITEMS THAT ARE NOT EXPENDITURES.—The term “expenditure” does not include:

(a) Contributions or expenditures reported pursuant to chapter 106, Florida Statutes; campaign-related personal services provided without compensation by individuals volunteering their time; or any other contribution or expenditure by a political party.

(b) A lobbyist’s or principal’s salary, office expenses, and personal expenses for lodging, meals, and travel. If the principal is a firm, corporation, association, or person, other than a natural person, the office

expenses of the entity and the salaries of the officers of the entity, as well as expenses for their lodging, meals, and travel, are not lobbying expenditures. Office expenses include, but are not limited to, payment or obligation for rent or mortgage, utilities, postage, telephone service, employees’ salaries, furniture, copies, computers, software, paper supplies, and custodial or maintenance services. Communications, publications, and research are office expenses if performed or produced by the lobbyist or principal or their employees. If those functions are performed by independent contractors, other than the lobbyist or principal or an affiliate controlled by the principal, they are expenditures reportable under the appropriate expenditure category.

(c) If an expense is incurred for a nonlobbying business purpose and the product of that expense is later used for a lobbying purpose, a reportable expenditure is not created.

(5) VALUATION OF EXPENDITURES.—

(a) In calculating the amount of aggregate expenditures, a lobbyist or principal may, prior to prorating, round each entry up or down to the nearest \$5. A record is not required to be maintained for any amount that rounds to zero.

(b) The amount to be reported for an expenditure shall be determined using the actual cost to the lobbyist or principal or other person making the payment on behalf of the lobbyist or principal, less any compensation received by such lobbyist or principal in payment for the object of the expenditure. If a lobbyist or principal makes a contribution to an expenditure by another lobbyist or principal, the person making the contribution shall report the amount of the contribution as an expenditure, and the person receiving the contribution shall subtract the value of the contribution from the expenditure to be reported by that person.

(c) When a lobbyist has multiple principals, expenditures made for the purpose of engendering goodwill that are not attributable to one principal may be prorated among the lobbyist’s principals or may be attributed to one principal.

(d) When a lobbyist has multiple principals, expenditures for research or other expenditures that may benefit several principals may be reported to the principal for whom the research was done or other expenditures incurred or prorated to those principals that may benefit from the research or other expenditures.

(e) The amount reported as an expenditure shall not include the amount of any additional expenses that are required as a condition precedent to eligibility to make an expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying or if it is paid to a charitable organization. If the amount expended for the condition precedent is primarily intended to be for a lobbying purpose and is not paid to a charitable organization, the total amount of the expenditure shall be reported as a lobbying expenditure. Initiation fees, membership fees, and booster fees are examples, although not exclusive examples, of additional expenses that are regularly required as conditions precedent for eligibility to make other expenditures.

(f) A person providing transportation in a private automobile shall be considered to be making an expenditure at the rate of 20 cents per mile, and the amount of an expenditure made for transportation provided in other private conveyances shall be determined in accordance with the provisions of section 112.3148(7), Florida Statutes.

(g) A person providing lodging in a private residence shall be considered to be making an expenditure of \$29 per night.

(h) Expenditures made for more than one person may be attributed, on a pro rata basis, among all of the persons for whom the expenditure is made.

(6) INDIVIDUAL LOBBYIST’S EXPENDITURE REPORT.—

(a) When a principal has only one lobbyist, the lobbyist shall file quarterly, as provided in Joint Senate and House Rule 1.2, an Individual Lobbyist’s Expenditure Report on forms provided by the Joint Legislative Management Committee. The report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the quarter shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications;

Media Advertising; Publications; Travel; Lodging; Special Events; and Other. For each expenditure category, the report must identify the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The report filed on January 15 shall contain cumulative totals for the calendar year.

(b) A lobbyist shall file an Individual Lobbyist's Expenditure Report for each principal represented, unless a Consolidated Expenditure Report is required to be filed for that principal.

(7) CONSOLIDATED EXPENDITURE REPORT.—

(a) When a principal has two or more lobbyists, the principal shall designate one lobbyist who will be responsible for filing the Consolidated Expenditure Report. Every lobbyist so designated shall file quarterly, as provided in Joint Senate and House Rule 1.2, a Consolidated Expenditure Report on forms provided by the Joint Legislative Management Committee. The Consolidated Expenditure Report shall include the name of the principal and the names of all of the lobbyists for that principal. A cumulative total by the expenditure categories of Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other shall be provided for all lobbyists on the report. The Consolidated Expenditure Report filed on January 15 shall contain cumulative totals for the calendar year.

(b) Each lobbyist identified on the Consolidated Expenditure Report must provide an Individual Lobbyist's Expenditure Report to the designated lobbyist, who shall attach all the Individual Lobbyist's Expenditure Reports for that principal, including the Individual Lobbyist's Expenditure Report of the designated lobbyist, to the Consolidated Expenditure Report. The designated lobbyist is responsible for attaching each Individual Lobbyist's Expenditure Report to the Consolidated Expenditure Report and completing the Consolidated Expenditure Report. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal; however, the principal is responsible for the accuracy of the figures submitted to the designated lobbyist by the principal. The designated lobbyist is not responsible for the failure of another lobbyist to provide the Individual Lobbyist's Expenditure Report to the designated lobbyist and is not responsible for the contents of any Individual Lobbyist's Expenditure Report submitted by another lobbyist.

(c) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal on the Consolidated Expenditure Report. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.

**1.5—Questions Regarding Registration**

(1) A person may request in writing an informal opinion from the general counsel of the Joint Legislative Management Committee as to the application of this rule to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion which is issued shall be provided to the presiding officer of each house. The committees designated under section 11.045(4), Florida Statutes, may revise any informal opinion rendered by the general counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this rule may submit in writing the facts for an advisory opinion to the committee of the respective house designated pursuant to section 11.045(4), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(4), Florida Statutes.

**1.6—Open Records**

All of the lobbyist registration and expenditure reports received by the Joint Legislative Management Committee shall be available for public inspection and for duplication at reasonable cost.

**1.7—Records Retention and Inspection**

Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this rule, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

(1) For the period from July 1, 1993, to September 30, 1993, the statement of expenditures required by section 11.045, Florida Statutes (1991), shall be filed no later than January 15, 1994. For the period from October 1, 1993, to December 31, 1993, the applicable lobbyist report shall be filed as provided in Joint Senate and House Rule 1.4; however, cumulative totals are not required for calendar year 1993.

(2) Until January 1, 1995, the annual fee is \$50 per each house of the Legislature for a person to register to represent a principal and an additional \$10 per house for each additional principal that the person registers to represent.

(3) For persons who have paid the registration fee for the period July 1, 1992, to June 30, 1994, the registration is valid through June 30, 1994, and those persons may renew their registration for calendar year 1994 at a rate of one-half the rate specified in subsection (2). Those renewal registrations expire on December 31, 1994.

(4) All persons who were required to register under Joint Senate and House Rule One as it existed on October 1, 1993, and who registered between that date and the date of adoption of the revisions to Joint Senate and House Rule One by this concurrent resolution, but who, under the revisions to Joint Senate and House Rule One by this concurrent resolution are no longer required to register, may, within 14 days after adoption of the revisions to Joint Senate and House Rule One by this concurrent resolution, withdraw from registration and receive a refund of all fees paid.

(5) All persons who were not required to register under Joint Senate and House Rule One as it existed on October 1, 1993, but who are required to register under the revisions to Joint Senate and House Rule One by this concurrent resolution, are given until January 1, 1994, to comply with the registration requirements of this rule.

**JOINT RULE TWO**

**GENERAL APPROPRIATIONS BILL**

**2.1—General Appropriations Bill; Review Period**

(1) A general appropriations bill shall be subject to a 72-hour public review period before a vote is taken on final passage in the house in which the bill originates.

(2) A review period is not required prior to a vote being taken on final passage of the same bill in the nonoriginating house, provided the bill is not amended. If a bill is amended, the amendment being a bill previously furnished pursuant to this rule, another review period is not required. If, however, the amendment was not previously furnished pursuant to this rule, another 72-hour public review period shall be provided before a vote is taken on final passage.

(3) If a bill is returned to the house in which the bill originated and the originating house does not concur in all the amendments or adds additional amendments, no further action shall be taken on the bill by

the nonoriginating house, and a conference committee shall be established by operation of this rule to consider the bill.

(4) If a bill is referred to a conference committee by operation of this rule, a 72-hour public review period shall be provided prior to a vote being taken on the conference committee report by either house.

(5) A copy of the bill, a copy of the bill with amendments adopted by the nonoriginating house, or the conference committee report shall be furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet. Copies for the Governor, Chief Justice and members of the Cabinet shall be furnished to the official's office in the Capitol or Supreme Court Building. A member's copy shall be furnished to the member's desk in the appropriate chamber. The Secretary of the Senate shall be responsible for furnishing copies under this rule for Senate bills, House bills as amended by the Senate, and conference committee reports on Senate bills. The Clerk of the House shall be responsible for furnishing copies under this rule for House bills, Senate bills as amended by the House, and conference committee reports on House bills.

(6) The 72-hour public review period shall begin to run upon completion of the furnishing of copies required to be provided herein. The Speaker of the House or the President of the Senate, as appropriate, shall be informed of the completion time and such time shall be announced on the floor prior to vote on final passage in each house and shall be entered in the journal of each house. Saturdays, Sundays, and holidays shall be included in the computation under this rule.

## 2.2—General Appropriations Bill; Definition

For the purposes of Joint Rule 2, the term "general appropriations bill" means a bill which provides for the salaries of public officers and other current expenses of the state and contains no subject other than appropriations. A bill which contains appropriations which are incidental and necessary solely to implement a substantive law is not included within this term.

## JOINT RULE THREE

### JOINT LEGISLATIVE MANAGEMENT COMMITTEE

#### 3.1—Administration and Rulemaking

(1) The Joint Legislative Management Committee shall meet at times and places necessary to perform the functions assigned to it.

(2) The joint committee shall adopt rules and policies for its own organization and operation and for the organization and operation of its divisions as is deemed advisable to carry out the functions of the joint committee. It shall have general administrative responsibility for the operation of such divisions.

(3) Action by a majority vote of the membership of the joint committee shall control and be conclusive on any matter considered by the joint committee.

#### 3.2—Executive Director

(1) The joint committee shall appoint its executive director by majority vote.

(2) The executive director shall coordinate the activities of all of the divisions of the joint committee and shall have authority to hire and remove personnel of the joint committee and its divisions.

#### 3.3—Responsibilities

The joint committee shall be responsible for the following:

(1) Maintaining a library adequate for the needs of the Legislature.  
 (2) Maintaining a permanent and continuous statutory revision plan as provided in ss. 11.242-11.246, Florida Statutes, including periodic publication of the Florida Statutes.

(3) Maintaining a bill status system, supplying such information relating to all prefiled bills and all bills introduced during legislative sessions as the joint committee may deem necessary.

(4) Coordinating all matters relative to legislative printing and carrying out all duties assigned to the joint committee by chapter 283, Florida Statutes, and as otherwise assigned to it.

(5) Developing and administering policies for distributing free or reduced-cost copies of the Florida Statutes to the state's law schools and to other officers and institutions of state and local government based on specific need and circumstances.

(6) Adopting, with the approval of the President of the Senate and the Speaker of the House of Representatives, and administering a uniform personnel, job classification, and pay plan for all legislative employees, and maintaining salary information that provides a basis for reviewing whether the legislative pay plan is competitive.

(7) Preparing all payrolls for the Legislature, including the certification of vouchers and transmission of same to the Comptroller, and maintaining the required and necessary payroll records.

(8) Developing and administering uniform policies relating to the purchase or acquisition of all supplies, capital outlay items, and other commodities required for the proper functioning of the Legislature.

(9) Developing and administering uniform policies relating to keeping an inventory record of capital outlay items owned and purchased by the Legislature.

(10) Issuing and approving all purchase orders under the authority of the joint committee.

(11) Ascertaining that proper authorization has been obtained, and preparing and certifying all vouchers for expense and capital outlay expenditures. Expenditures chargeable to the Senate shall be approved by the President or the President's duly authorized agent; expenditures chargeable to the House of Representatives shall be approved by the Speaker or the Speaker's duly authorized agent; expenditures chargeable to the joint committee and other units of the Legislature shall be approved by the joint committee or its duly authorized agent.

(12) Maintaining records and preparing reports of disbursements from the legislative appropriation by offices, divisions, or departments, including standing committees, or other categories as needed, indicating a breakdown as to type of disbursements.

(13) Preparing suggested budgets in conformity with s. 216.023, Florida Statutes, for all expenditures of each house, the joint committee, and other units of the Legislature and submitting same to the respective presiding officers for their final approval before transmission to the Executive Office of the Governor.

(14) Contracting with a certified public accountant licensed under the Public Accountancy Law of this state for an annual audit of the financial records and reports of the Legislature and delivering such audit to the President of the Senate, the Speaker of the House of Representatives, and the members of the joint committee.

(15) Entering into such other contracts as it shall deem necessary in the performance of its functions.

(16) Publishing a handbook of all policies affecting the administration of the joint committee and its divisions and the joint administration of the Legislature.

(17) Carrying on such other functions as are determined by the joint committee, with the consent of the presiding officers of both houses of the Legislature, to be joint functions.

## JOINT RULE FOUR

### JOINT LEGISLATIVE AUDITING COMMITTEE

#### 4.1—Responsibilities

(1) On or before December 31 of the year following each decennial census, the Legislative Auditing Committee shall review the performance of the Auditor General and shall submit a report to the Legislature which recommends whether the Auditor General should continue to serve in office.

(2) The expenses of the members of the committee shall be approved by the chair of the committee and paid from the appropriation for legislative expense.

(3) The committee shall review the budget request submitted by the Auditor General and the Office of Program Policy Analysis and Government Accountability and may amend or change it as deemed necessary. The budget request, as amended or changed by the committee, shall become the operating budget of the Auditor General or the Office of Program Policy Analysis and Government Accountability for the ensuing fiscal year; provided that the budget so adopted may subsequently be amended under the same procedure.

(4) The committee shall submit to the Joint Legislative Management Committee, for planning purposes only, an estimate of the financial

needs of the committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability.

(5) The committee may at any time, without regard to whether the Legislature is in session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(6) The committee shall review the performance of the director of the Office of Program Policy Analysis and Government Accountability every 4 years and shall submit a report to the Legislature recommending whether the director should be reappointed. A vacancy in the office must be filled in the same manner as the original appointment.

(7) Upon completion of the initial program evaluation and justification review of each state agency listed in s. 216.0172, Florida Statutes, the Office of Program Policy Analysis and Government Accountability shall conduct such reviews only at the direction of the Legislative Auditing Committee.

#### **4.2—Annual audit of financial records**

(1) The Legislative Auditing Committee shall contract with a certified public accountant licensed under chapter 473, Florida Statutes, for an annual audit of the financial records of the Legislative Auditing Committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability.

(2) Copies of the audit shall be delivered to the President of the Senate, the Speaker of the House of Representatives, the Auditor General or the director of the Office of Program Policy Analysis and Government Accountability, as appropriate, and the members of the Legislative Auditing Committee.

### **JOINT RULE FIVE**

#### **AUDITOR GENERAL**

##### **5.1—Rulemaking authority**

The Auditor General shall make and enforce reasonable rules and regulations necessary to facilitate audits which he or she is authorized to perform.

##### **5.2—Budget and accounting**

(1) The Auditor General shall prepare and submit annually to the Joint Legislative Auditing Committee a proposed budget for the ensuing fiscal year. The committee shall review the budget request and may amend or change the budget request as it deems necessary. The budget request, as amended or changed by the committee, shall become the operating budget of the Auditor General for the ensuing fiscal year; provided that the budget so adopted may subsequently be amended under the same procedure.

(2) Within the limitations of the approved operating budget, the salaries and expenses of the Auditor General and the staff of the Auditor General shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The Auditor General shall approve all bills for salaries and expenses, except expenses of members of the Legislative Auditing Committee, before the same shall be paid.

##### **5.3—Audit report distribution**

(1) A copy of each audit report shall be submitted to the Governor, to the Comptroller, and to the officer or person in charge of the state agency or political subdivision audited. One copy shall be filed as a permanent public record in the office of the Auditor General. In the case of county reports, one copy of the report of each county office, school district, or other district audited shall be submitted to the board of county commissioners of the county in which the audit was made and shall be filed in the office of the clerk of the circuit court of that county as a public record. When an audit is made of the records of the district school board, a copy of the audit report shall also be filed with the district school board, and thereupon such report shall become a part of the public records of such board.

(2) A copy of each audit report shall be made available to each member of the Legislative Auditing Committee.

(3) Other copies may be furnished to other persons who, as in the opinion of the Auditor General, may be directly interested in the audit or who may have some duty to perform in connection therewith.

### **JOINT RULE SIX**

#### **OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY**

##### **6.1—Responsibilities of the director**

(1) The director may adopt and enforce reasonable rules necessary to facilitate the studies, reviews, and reports that the office is authorized to perform.

(2) The director, with the consent of the Legislative Auditing Committee, may enter into contracts on behalf of the Office of Program Policy Analysis and Government Accountability.

(3) The director shall prepare and submit annually to the Legislative Auditing Committee a proposed budget for the ensuing fiscal year. The committee shall review the budget request and may amend or change the budget request as it deems necessary. The budget request shall become the operating budget of the Office of Program Policy Analysis and Government Accountability for the ensuing fiscal year; provided that the budget so adopted may subsequently be amended under the same procedure.

(4) Within the limitations of the approved operating budget, the salaries and expenses of the director and the staff of the Office of Program Policy Analysis and Government Accountability shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The director shall approve all bills for salaries and expenses before the same shall be paid.

### **JOINT RULE SEVEN**

#### **CONTINUING EXISTENCE OF JOINT RULES**

##### **7.1—Continuing Existence of Joint Rules**

All joint rules adopted by concurrent resolution, and amendments thereto, shall continue in effect from session to session or Legislature to Legislature until repealed by concurrent resolution.

### **ADJOURNMENT**

On motion by Senator Jones, the Senate in Organization Session adjourned sine die at 12:25 p.m.



**CERTIFICATE**

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 32, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida, in Organization Session, convened at 10:00 a.m. on the 19th day of November, 1996, and adjourned at 12:25 p.m. on the 19th day of November, 1996.

A handwritten signature in cursive script that reads "Faye W. Blanton".

Faye W. Blanton  
Secretary of the Senate

Tallahassee, Florida  
November 19, 1996