

**FLORIDA SENATE  
RULES AND MANUAL**

**2014-2016**



**ANDY GARDINER  
PRESIDENT**

**AS ADOPTED NOVEMBER 18, 2014  
AND SUBSEQUENTLY AMENDED  
OCTOBER 19, 2015  
AND  
JANUARY 21, 2016**



## CONTENTS

Senate Officers and Rules Committee . . . . .	1
Senate Members . . . . .	3
Senate Rules — Table of Contents . . . . .	5
Senate Rules . . . . .	11
Senate Rules Index . . . . .	99
Joint Rules of the Florida Legislature — Table of Contents . . . . .	193
Joint Rules of the Florida Legislature . . . . .	195
Joint Rules of the Florida Legislature Index . . . . .	223
Germanity Standards and Common Floor Motions . . . . .	227
Vote Required — Senate Rules and Constitution of the State of Florida, Notice and Review Requirements, and Constitutional Requirements . . . . .	235
Table of Votes . . . . .	241
Committees of the Senate and Joint Legislative Committees . . . . .	243
Committee Assignments by Senator . . . . .	247
Constitution of the State of Florida . . . . .	C-1
Constitution of the State of Florida Index . . . . .	C-69



**SENATE OFFICERS**  
**2014-2016**

*President:* Senator Andy Gardiner

*President Pro Tempore:* Senator Garrett Richter

*Majority (Republican) Leader:* Senator Bill Galvano

*Deputy Majority (Republican) Leader:* Senator Denise Grimsley

*Minority (Democratic) Leader:* Senator Arthenia L. Joyner

*Minority (Democratic) Leader Pro Tempore:* Senator Oscar Braynon II

*Secretary:* Debbie Brown

**RULES COMMITTEE**

Senator David Simmons, Chair

Senator Darren Soto, Vice Chair

Senator Lizbeth Benacquisto

Senator Miguel Diaz de la Portilla

Senator Don Gaetz

Senator Bill Galvano

Senator Audrey Gibson

Senator Arthenia L. Joyner

Senator Jack Latvala

Senator Tom Lee

Senator Bill Montford

Senator Joe Negron

Senator Garrett Richter



# SENATE MEMBERS 2014-2016

(14 Democrats, 26 Republicans)

- District 1: Don Gaetz (R), Niceville
- District 2: Greg Evers (R), Baker
- District 3: Bill Montford (D), Tallahassee
- District 4: Aaron Bean (R), Fernandina Beach
- District 5: Charles S. "Charlie" Dean, Sr. (R), Inverness
- District 6: Travis Hutson (R), St. Augustine
- District 7: Rob Bradley (R), Fleming Island
- District 8: Dorothy L. Hukill (R), Port Orange
- District 9: Audrey Gibson (D), Jacksonville
- District 10: David Simmons (R), Altamonte Springs
- District 11: Alan Hays (R), Umatilla
- District 12: Geraldine F. "Geri" Thompson (D), Orlando
- District 13: Andy Gardiner (R), Orlando
- District 14: Darren Soto (D), Orlando
- District 15: Kelli Stargel (R), Lakeland
- District 16: Thad Altman (R), Rockledge
- District 17: John Legg (R), Trinity
- District 18: Wilton Simpson (R), Trilby
- District 19: Arthenia L. Joyner (D), Tampa
- District 20: Jack Latvala (R), Clearwater
- District 21: Denise Grimsley (R), Sebring
- District 22: Jeff Brandes (R), St. Petersburg
- District 23: Garrett Richter (R), Naples
- District 24: Tom Lee (R), Brandon
- District 25: Joseph Abruzzo (D), Wellington
- District 26: Bill Galvano (R), Bradenton
- District 27: Jeff Clemens (D), Lake Worth
- District 28: Nancy C. Detert (R), Venice
- District 29: Jeremy Ring (D), Margate
- District 30: Lizbeth Benacquisto (R), Ft. Myers
- District 31: Christopher L. Smith (D), Ft. Lauderdale
- District 32: Joe Negron (R), Stuart
- District 33: Eleanor Sobel (D), Hollywood
- District 34: Maria Lorts Sachs (D), Delray Beach

- District 35: Gwen Margolis (D), Coconut Grove**
- District 36: Oscar Braynon II (D), Miami Gardens**
- District 37: Anitere Flores (R), Miami**
- District 38: Rene Garcia (R), Hialeah**
- District 39: Dwight Bullard (D), Miami**
- District 40: Miguel Diaz de la Portilla (R), Coral Gables**

# SENATE RULES — TABLE OF CONTENTS

## RULE ONE

### OFFICERS, SENATORS, EMPLOYEES, AND ETHICS

#### **Part One—Senate Officers**

- 1.1—Election of the President, President Pro Tempore, President Designate, President Pro Tempore Designate, Minority Leader, and Minority Leader Pro Tempore; designation of Majority Leader
- 1.2—The President calls the Senate to order
- 1.3—The President’s control of Chamber, corridors, and rooms
- 1.4—The President’s authority and signature; questions of order; travel
- 1.5—The President’s appointment of committees
- 1.6—The President’s vote
- 1.7—The President’s absence from the chair; duties of President Pro Tempore
- 1.8—Election of the Senate Secretary
- 1.9—Duties of the Secretary at organization session
- 1.10—Duties of the Secretary generally; keeps Journal
- 1.11—The Secretary prepares daily calendar
- 1.12—The Secretary reads papers; calls roll; records votes
- 1.13—The Secretary attests to warrants, subpoenas, and the passage of all measures
- 1.14—The Secretary prepares forms
- 1.15—The Secretary examines legal form of bills for introduction
- 1.16—The Secretary supervises information technology operations; indexes bills
- 1.17—The Secretary transmits bills to the House of Representatives
- 1.18—The Secretary receives and delivers for reading messages from the House of Representatives; summaries of House amendments to Senate bills

#### **Part Two—Senators**

- 1.20—Attendance, voting, and disclosure of conflicts
- 1.21—Excused absence
- 1.22—Senate papers left with Secretary
- 1.23—Senators deemed present unless excused
- 1.24—Contested seat
- 1.25—Facilities for Senators
- 1.26—Nonlegislative activities; approval of the President

#### **Part Three—Senate Employees**

- 1.28—Dismissal of employees; employment of a spouse or immediate relative
- 1.29—Employees forbidden to lobby
- 1.30—Duties and hours
- 1.31—Absence without permission
- 1.32—Employee political activity

#### **Part Four—Legislative Conduct and Ethics**

- 1.35—Legislative conduct
- 1.36—Improper influence
- 1.361—Solicitation or acceptance of contributions; registration and disclosure requirements
- 1.37—Conflicting employment
- 1.38—Undue influence

- 1.39—Disclosure of conflict of interest and prohibition on voting thereon
- 1.40—Ethics training
- 1.41—Senate employees and conflicts
- 1.42—Advisory opinions
- 1.43—Violations; investigations, penalties

#### **Part Five—Public Meetings and Records**

- 1.44—Open meetings
- 1.45—Notice required for certain meetings
- 1.46—Constitutional requirements concerning open meetings
- 1.47—Reapportionment information
- 1.48—Legislative records; maintenance, control, destruction, disposal, fee for copies, and disposition
- 1.49—Violations of Rules on open meetings and notice

### **RULE TWO**

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

#### **Part One—Committees—Organization, Duties, and Responsibilities**

- 2.1—Standing committees; standing subcommittees; select subcommittees
- 2.2—Powers and responsibilities of committees
- 2.4—Committee staffing
- 2.6—Committee meeting notices; regular session and interim; day fifty (50) rule
- 2.7—Bills recommitted for failure to provide proper notice
- 2.8—Filing and publication of meeting notices
- 2.9—Committee meetings; committee meetings after fiftieth (50th) day
- 2.10—Committee meeting schedules; time limits on meetings
- 2.11—Presentation of bills before committees
- 2.12—Order of consideration of bills; exception
- 2.13—Open meetings
- 2.15—Standing committee reports; committee substitutes
- 2.16—Standing subcommittee reports
- 2.17—Quorum requirement
- 2.19—Conference committee in deliberation; reports

#### **Part Two—Committees—Officers**

- 2.20—Appointment of chair and vice chair
- 2.21—Call to order
- 2.22—Chair's control
- 2.23—Chair's authority; appeals
- 2.24—Chair, vice chair; vote
- 2.25—Temporary alternate to chair
- 2.26—Vice chair's duties

#### **Part Three—Committees—Members**

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

#### **Part Four—Committees—Voting**

- 2.28—Taking the vote
- 2.29—Pair voting prohibited
- 2.30—Casting vote for another
- 2.31—Explanation of vote

#### **Part Five—Committees—Motions and Precedence**

- 2.32—Motions; how made, withdrawn
- 2.33—Motions; precedence
- 2.34—Division of question
- 2.35—Reconsideration generally
- 2.36—Reconsideration; vote required
- 2.37—Reconsideration; debate allowed
- 2.38—Reconsideration; collateral matters

#### **Part Six—Committees—Amendments**

- 2.39—Amendments, proposed committee substitutes, and proposed committee bills; form, notice, manner of consideration; germanity
- 2.40—Sequence of amendments to amendments
- 2.41—Deleting everything after enacting clause
- 2.42—Amendment by section
- 2.43—Senate amendments to House bills
- 2.44—Amendments by previous committees

#### **Part Seven—Committees—Decorum and Debate**

- 2.45—Decorum and debate
- 2.46—Chair’s power to recognize
- 2.47—Interruptions; when allowed
- 2.48—Speaking rights
- 2.49—Time for debate
- 2.50—Limitation on debate
- 2.51—Priority of business; debate thereon

### **RULE THREE**

#### **BILLS, RESOLUTIONS, AND MEMORIALS**

- 3.1—Form of bills
- 3.2—Bills for introduction
- 3.3—Form of local bills
- 3.4—Form of joint resolutions
- 3.5—Form of memorials
- 3.6—Form of resolutions; Senate and concurrent
- 3.7—Bill filing deadline during regular session; bill filing between regular sessions; exceptions
- 3.8—Filed bills; consideration between regular sessions
- 3.9—Copies of bills
- 3.10—Identification of bills
- 3.11—Companion measures
- 3.12—Introducers of bills; co-introducers; introducers no longer Senators
- 3.13—Fiscal notes

**RULE FOUR**  
**ORDER OF BUSINESS AND CALENDAR**

- 4.1—Sittings of the Senate
- 4.2—Quorum
- 4.3—Daily Order of Business
- 4.4—Repealed
- 4.5—Conference committee report
- 4.6—Reference generally
- 4.7—Reference to more than one committee; effect
- 4.8—Review and reference of bills affecting appropriations, revenue, retirement,  
or county or municipal spending
- 4.81—Claim bills
- 4.9—Reference of resolutions
- 4.10—Reference to different committee or removal
- 4.11—Papers of miscellaneous nature
- 4.12—Reading of bills and joint resolutions
- 4.13—Reading of concurrent resolutions and memorials
- 4.14—Reading of Senate resolutions
- 4.15—Referral or postponement on third (3rd) reading
- 4.16—Consideration out of regular order
- 4.17—Procedure to establish Special Order Calendars and Consent Calendars
- 4.18—Local Bill Calendar
- 4.19—Order after second (2nd) reading
- 4.20—Enrolling
- 4.21—Veto messages

**RULE FIVE**  
**VOTING**

- 5.1—Taking the yeas and nays
- 5.2—Change of vote; votes after a roll call; vote verification
- 5.3—Casting vote for another
- 5.5—Explanation of vote
- 5.6—Election by ballot

**RULE SIX**  
**MOTIONS AND PRECEDENCE**

- 6.1—Motions; how made, withdrawn
- 6.2—Motions; precedence
- 6.3—Division of question
- 6.4—Reconsideration generally
- 6.5—Reconsideration; vote required
- 6.6—Reconsideration; debate
- 6.7—Reconsideration; collateral matters and procedural motions
- 6.8—Reconsideration; Secretary to hold for period
- 6.9—Motion to indefinitely postpone
- 6.10—Committee substitute; withdrawn
- 6.11—Temporarily postpone

**RULE SEVEN**  
**AMENDMENTS**

- 7.1—General form; notice; manner of consideration
- 7.2—Adoption
- 7.3—Sequence of amendments to amendments
- 7.4—Deleting everything after enacting clause
- 7.5—Amendment by section
- 7.6—Printing in Journal
- 7.7—Senate amendments to House bills
- 7.8—House amendments to Senate bills
- 7.9—House refusal to concur in Senate amendment

**RULE EIGHT**  
**DECORUM AND DEBATE**

- 8.1—Decorum and debate
- 8.2—Presiding officer’s power of recognition
- 8.3—Interruptions; when allowed
- 8.4—Senator speaking, rights
- 8.5—Limit on speaking
- 8.6—Limitation on debate
- 8.7—Points of order, parliamentary inquiry, definitions
- 8.8—Questioning decision not to abstain
- 8.9—Appeals
- 8.10—Appeals debatable
- 8.11—Questions of privilege

**RULE NINE**  
**LOBBYING**

- 9.1—Those required to register
- 9.2—Obligations of lobbyist
- 9.3—Lobbyists’ requirements
- 9.35—Contributions during sessions
- 9.4—Advisory opinions
- 9.5—Compilation of opinions
- 9.6—Violations; investigations, penalties
- 9.7—Committees to be diligent
- 9.8—Lobbyist expenditures and compensation

**RULE TEN**  
**CHAMBER OF THE SENATE**

- 10.1—Persons entitled to admission
- 10.2—Exception
- 10.3—Admission of media by President
- 10.4—Attire
- 10.5—Gallery

**RULE ELEVEN**  
CONSTRUCTION AND WAIVER OF RULES

- 11.1—Interpretation of Rules
- 11.2—Waiver and suspension of Rules
- 11.3—Changes in Rules
- 11.4—Majority action
- 11.5—Uniform construction
- 11.6—General
- 11.7—Sources of procedural authority

**RULE TWELVE**  
EXECUTIVE SESSIONS, APPOINTMENTS,  
SUSPENSIONS, AND REMOVALS

**Part One—Executive Sessions**

- 12.1—Executive session; authority
- 12.2—Executive session; purpose
- 12.3—Executive session; vote required
- 12.4—Executive session; work product confidentiality
- 12.5—Executive session; separate Journal
- 12.6—Violation of Rule

**Part Two—Appointments, Suspensions, and Removals**

- 12.7—Procedure; generally
- 12.8—Procedure on executive appointments
- 12.9—Procedure upon receipt of an executive suspension
- 12.10—Adjudication of guilt not required to remove suspended officer
- 12.11—Special master; appointment
- 12.12—Special master; floor privilege
- 12.13—Issuance of subpoenas and process
- 12.14—Rule takes precedence

**RULE THIRTEEN**  
SPECIAL SESSION

- 13.1—Applicability of Senate Rules
- 13.2—Sittings of the Senate
- 13.3—Committee meetings; schedule, notice, amendment deadline
- 13.4—Delivery for introduction
- 13.5—Committee reports
- 13.6—Conference committee reports
- 13.7—Reconsideration
- 13.8—Procedure to establish Special Order Calendars

**RULE FOURTEEN**  
SEAL AND INSIGNIA

- 14.1—Seal and insignia

# SENATE RULES

## RULE ONE

### OFFICERS, SENATORS, EMPLOYEES, AND ETHICS

#### PART ONE—SENATE OFFICERS

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

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

See Rule 5.6—Election by ballot.

See FLA. CONST. art. II, § 5 Public officers.

See FLA. CONST. art. III, § 2 Members; officers.

See FLA. CONST. art. III, § 3(a) Sessions of the legislature.

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

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

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

##### **1.2—The President calls 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 its last sitting. A quorum being present, the President shall direct the Senate to proceed with the Daily Order of Business. The President may informally recess the Senate for periods of time not to exceed thirty (30) minutes.

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

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

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

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

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

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

*See* Rule 8.9—Appeals.

*See* Rule 8.10—Appeals debatable.

(3) As necessary, the President is authorized to incur travel and per diem expenses for the next session of the Legislature. The President shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred in transacting Senate business as authorized. The President shall have responsibility for Senate property and may delegate specific duties or authority pertaining thereto.

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

#### **1.5—The President’s appointment of committees**

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

(2) Any member removed from a committee without his or her consent shall have the right to appeal such removal to the Rules Committee.

#### **1.6—The President’s vote**

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

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

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

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

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

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

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

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

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

*See* FLA. CONST. art. II, § 5(b) Public officers.

*See* FLA. CONST. art. III, § 2 Members; officers.

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

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

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

If the President and the President Pro Tempore of the preceding session are absent or are no longer members, the Secretary shall, at the organization session of the Legislature, call the Senate to order. Pending the election of a President or a President Pro Tempore, the Secretary shall

preserve order and decorum, and decide all questions of order subject to appeal by any Senator. The duties prescribed by this section may be delegated by the Secretary to any Senator.

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

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

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

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

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

### **1.11—The Secretary prepares daily calendar**

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

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

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

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

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

*See* Rule 5.1—Taking the yeas and nays.

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

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

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

### **1.14—The Secretary prepares forms**

The Secretary shall prepare all forms used by the Senate.

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

The Secretary shall examine all 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.

*See* Rule 3.1—Form of bills.

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

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

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

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

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

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

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

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

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

## **PART TWO—SENATORS**

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

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

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

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

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

### **1.21—Excused absence**

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

### **1.22—Senate papers left with Secretary**

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

### **1.23—Senators deemed present unless excused**

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

*See* Rule 4.2—Quorum.

### **1.24—Contested seat**

If a 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. If a Credentials Committee submits its final report and recommendations to the President when the Legislature is not in session, the President may convene the Senate independently for the sole purpose of deciding a seating contest.

### **1.25—Facilities for Senators**

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

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

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

## **PART THREE—SENATE EMPLOYEES**

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

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

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

### **1.29—Employees forbidden to lobby**

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

### **1.30—Duties and hours**

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

### **1.31—Absence without permission**

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

### **1.32—Employee political activity**

Senate employees shall be regulated concerning their political activity pursuant to Senate Administrative Policies and Procedures.

## **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.

### **1.36—Improper influence**

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

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

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

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

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

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

### **1.37—Conflicting employment**

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

### **1.38—Undue influence**

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

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

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

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

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

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

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

(3) **Methods of disclosure.**—If the vote is taken on the floor, disclosure under this Rule or under any related law shall be accomplished by filing with the Secretary a memorandum the substance of which shall be printed in the Journal. If the vote is taken in a committee or subcommittee, the memorandum shall be filed with the committee or subcommittee administrative assistant, who shall file such memorandum in the committee or subcommittee files and with the Secretary. A Senator shall make every reasonable effort to file a memorandum pursuant to this Rule prior to the vote. If it is not possible to file the memorandum prior to the vote, then the memorandum must be filed immediately but not more than fifteen (15) days after the vote. The Secretary shall also make all memoranda filed pursuant to this Rule available online.

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

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

#### **1.40—Ethics training**

Prior to the opening day of a regular session in odd-numbered years, all Senators shall complete a course of at least one (1) hour in length which addresses the requirements of law under the Code of Ethics for Public Officers and Employees, open meetings, public records, and any other subject approved by the President.

#### **1.41—Senate employees and conflicts**

Senate employees shall be accountable to the intent of these Rules regulating legislative conduct and ethics.

#### **1.42—Advisory opinions**

Questions from Senators relating to the interpretation and enforcement of Rules regulating legislative conduct and ethics shall be referred to the Senate General Counsel and shall emanate therefrom. A Senator may submit a factual situation to the Senate General Counsel

with a request for an advisory opinion establishing the standard of public duty. The Senate General Counsel shall enter an opinion responding to each inquiry on which a Senator may reasonably rely. No opinion shall identify the requesting Senator without the Senator's consent.

### **1.43—Violations; investigations, penalties**

(1) Any person may file a sworn complaint with the Rules Chair, or the President when the complaint is against the Rules Chair, alleging a violation by a Senator of the Rules regulating legislative conduct and ethics. The complaint shall be based on personal knowledge, shall state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, shall attach all documentation on which the complaint is based, and shall identify the specific Rule alleged by the complainant to have been violated by the Senator.

- (a) Upon a determination by the Rules Chair, or the President when the complaint is against the Rules Chair, that the complaint fails to state facts supporting a finding of probable cause, the complaint shall be dismissed.
- (b) Upon a determination by the Rules Chair, or the President when the complaint is against the Rules Chair, that the complaint states facts supporting a finding of probable cause, the complaint shall be referred to a special master. The special master shall conduct an investigation, 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 unless the investigation fails to reveal facts supporting a finding of probable cause. A special master's report and recommendation is advisory only and shall be presented to the Rules Chair, or the President when the complaint is against the Rules Chair, as soon as practicable after the close of the investigation. If the special master's report and recommendation conclude that the facts do not support a finding of probable cause, the complaint shall be dismissed by the Rules Chair, or the President when the complaint is against the Rules Chair. If the complaint is not dismissed, the Rules Committee shall consider the special master's report and recommendation, shall grant the Senator an opportunity to be heard, and shall develop its own recommendation. If the complaint is against the Rules Chair, the chair is excused and the vice chair shall conduct the deliberation. If the Rules Committee votes to dismiss the complaint, the Rules Chair or vice chair shall dismiss the complaint. Otherwise, the special master's report and recommendation and the recommendation of the Rules Committee shall be presented to the President. The President shall present the committee's recommendation,

along with the special master's report and recommendation, to the Senate for final action.

(2) Separately from any prosecutions or penalties otherwise provided by law, a Senator determined to have violated the requirements of the Rules regulating legislative conduct and ethics may be 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 Rules Committee.

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

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

### **1.44—Open meetings**

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

- (a) At the sole discretion of the President, after consultation with appropriate law enforcement, public health, emergency management, or security authorities, those portions of meetings of a select committee, committee, or subcommittee concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism.
- (b) Discussions on the floor while the Senate is sitting and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this Rule.

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

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

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

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

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

- (a) Meetings of the President (or a Senator designated to represent the President) with the Governor or with the

Speaker (or a Representative designated to represent the Speaker);

- (b) Meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee; and
- (c) Meetings called by the President or the President's designee of a majority of the chairs of the Senate's standing committees.

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

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

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

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

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

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

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

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

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

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

### **1.47—Reapportionment information**

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

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

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

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

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

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

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

(5) The Secretary shall, with the approval of the President, establish a reasonable fee for copies of public legislative records not exempted from public disclosure. Such fees shall be based upon the actual cost of duplication of the record and shall include the material and supplies used to duplicate the record but not the labor cost or overhead cost associated with such duplication. If the nature or volume of records requested to be

inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by employees of the Senate, a special service charge in addition to the actual cost of duplication may be imposed. Such special service charge shall be reasonable and based on the cost incurred for the extensive use of information technology resources or the labor cost of employees providing the service that is actually incurred by the Senate or attributable to the Senate for the clerical and supervisory assistance required.

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

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

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

- (a) Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, *Florida Statutes*, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), *Florida Statutes*, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.
- (b) A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.
- (c) A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or

consultant retained by the Legislature, or an officer of the Legislature.

- (d) A draft of a report, bill analysis, fiscal note, report prepared by a contract employee or consultant retained by the Legislature or the Senate and materials in support thereof until the draft is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.
- (e) A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.
- (f) Records prepared for or used in executive sessions of the Senate until ten (10) years after the date on which the executive session was held.
- (g) Portions of records of former legislative investigating committees whose records are sealed or confidential as of June 30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained in the committees' records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.
- (h) Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.
- (i) Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

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

determined by the presiding officers of both houses to remain exempt from inspection and copying after July 1, 1993, remain exempt.

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

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

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

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

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

## **RULE TWO**

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

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

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

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

- (a) Agriculture
- (b) Appropriations
  - 1. Subcommittee on Criminal and Civil Justice
  - 2. Subcommittee on Education
  - 3. Subcommittee on General Government
  - 4. Subcommittee on Health and Human Services

5. Subcommittee on Transportation, Tourism, and Economic Development

- (c) Banking and Insurance
- (d) Children, Families, and Elder Affairs
- (e) Commerce and Tourism
- (f) Communications, Energy, and Public Utilities
- (g) Community Affairs
- (h) Criminal Justice
- (i) Education Pre-K - 12
- (j) Environmental Preservation and Conservation
- (k) Ethics and Elections
- (l) Finance and Tax
- (m) Fiscal Policy
- (n) Governmental Oversight and Accountability
- (o) Health Policy
- (p) Higher Education
- (q) Judiciary
- (r) Military and Veterans Affairs, Space, and Domestic Security
- (s) Reapportionment
- (t) Regulated Industries
- (u) Rules
- (v) Transportation

(2) Permanent standing committees and standing subcommittees, when created and designated by Senate Rule, shall exist and operate both during and between sessions.

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

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

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

- (a) A select subcommittee may study or investigate a specific issue falling within the jurisdiction of the standing committee or hear a bill referred to it.
- (b) The President and the Secretary shall be promptly notified of the appointment of a select subcommittee, its assignment, and the time allowed for the assignment, and shall be notified on completion of the assignment.
- (c) Select subcommittees shall be governed by the Rules regulating standing subcommittees, except that a select subcommittee shall exist only for the time necessary to complete its assignment or thirty (30) days, whichever is less, unless extended by the President.
- (d) The advisory report by a select subcommittee whether favorable or unfavorable shall be reviewed by the standing

committee and accepted, amended, or rejected by majority vote of those committee members present.

## **2.2—Powers and responsibilities of committees**

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

- (a) To maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area;
- (b) To invite public officials, employees, and private individuals to appear before the committees or subcommittees to submit information;
- (c) To request reports from departments performing functions reasonably related to the committees' jurisdictions; and
- (d) To complete the interim work assigned by the President.

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

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

## **2.4—Committee staffing**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For publication in the daily calendar, notice of committee meetings shall be delivered to the Secretary's office in writing by 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.

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

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

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

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

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

(2) Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the President and notice of such assignment shall be published on the Senate website and posted on the Senate side of the fourth (4th) floor rotunda on the fourth (4th) floor of the Capitol. No committee except the Rules Committee shall meet while the Senate is sitting without the consent of the majority of the Senate present.

### **2.11—Presentation of bills before committees**

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Only if an introducer is required to be present in another committee meeting, may such introducer discharge this duty by sending another legislator or his or her legislative assistant. Senate committee professional staff shall be limited to presenting committee bills at meetings of their assigned committees of reference.

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

(1) Bills shall be considered in the order appearing in the notice required by these Rules, except that the chair may, in the chair's sole discretion, consider a bill out of its order to accommodate the presence of a Senator or Representative who is the introducer thereof.

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

## **2.13—Open meetings**

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

*See* Rule 1.44—Open meetings.

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

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

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

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

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

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

(2) Such reports shall also reflect:

- (a) The date, time, and place of the meeting at which the action was taken, and

- (b) The vote of each member present of the committee on final passage of each bill.

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

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

(3) In reporting a Senate measure, a standing committee may draft a new measure embracing the same or related subject matter to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure. If one or more amendments are adopted, a measure shall be reported as a committee substitute unless the committee by majority vote decides otherwise.

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

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

proposed by the committee, the words “with amendments” shall follow the identifying number. Committee amendments shall be identified by barcode in the report. All bills reported unfavorably shall be laid on the table.

## **2.16—Standing subcommittee reports**

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

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

(2) Such reports shall also reflect:

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

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

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

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

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

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

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

(6) When a bill with a favorable report by a standing subcommittee is considered by the standing committee to which it was referred by the President, no additional testimony shall be permitted except by a majority vote of those standing committee members present before a vote on final passage; however, debate by members of the standing committee shall be allowed prior to such vote.

### **2.17—Quorum requirement**

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

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

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

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

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

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

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

(3) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. Such amendments shall accompany the conference committee

report. In any event, the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either house. Conference committee reports must be approved and signed by a majority of the conferees on the part of each house. All final actions taken in a conference committee shall be by motion.

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

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

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

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

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

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

(8) When conferees on the part of the Senate report an inability to agree, any action of the Senate taken prior to such reference to a

conference committee shall not preclude further action on the measure as the Senate may determine.

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

## **PART TWO—COMMITTEES—OFFICERS**

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

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

### **2.21—Call to order**

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

### **2.22—Chair's control**

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

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

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

(2) The chair shall decide all questions of order, subject to an appeal by any Senator, and the appeal shall be certified by the chair to the Senate for a decision by the President during its next sitting following such certification. 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.

(3) The proper method of taking exception to a ruling of the chair is by appeal. An appeal from a decision of the chair must be made promptly

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

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

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

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

#### **2.24—Chair, vice chair; vote**

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

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

#### **2.25—Temporary alternate to chair**

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

#### **2.26—Vice chair's duties**

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

### **PART THREE—COMMITTEES—MEMBERS**

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

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

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

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

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

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

*See Rule 11.4—Majority action.*

## **PART FOUR—COMMITTEES—VOTING**

### **2.28—Taking the vote**

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

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

(2) A member may request to:

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

before the results of a roll call are announced.

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

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

### **2.29—Pair voting prohibited**

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

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

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

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

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

(3) The mover may withdraw a motion at any time before the same has been amended, or before a vote shall have commenced. The mover of a motion to reconsider may withdraw that motion only with the unanimous consent of those committee members present.

### **2.33—Motions; precedence**

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

- (a) To rise
- (b) To take a recess
- (c) To reconsider instanter passage of a main question
- (d) To reconsider
- (e) To limit debate
- (f) To temporarily postpone
- (g) To commit to a select subcommittee
- (h) To amend

which shall have precedence in the descending order given.

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

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

### **2.34—Division of question**

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

*See Rule 6.3—Division of question.*

### **2.35—Reconsideration generally**

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

(2) If a question has been decided by voice vote, any member, during the meeting at which the vote was taken, may so move.

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

(4) A motion to reconsider final passage of a measure or the confirmation of an executive appointment may be made prior to or pending a motion to rise. It shall not be taken up or voted on when made but shall be a special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned.

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

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

(6) After day forty-five (45) of a regular session, a motion to reconsider shall be made and considered during the meeting at which the original vote was taken.

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

- (a) If the motion to reconsider instanter is agreed to by a two-thirds (2/3) vote of the members present, it shall supersede a motion to reconsider and place the main question again before the committee for further consideration, amendment, and debate.
- (b) If a motion to reconsider instanter is not agreed to, a motion to reconsider, if offered or pending as provided in subsection (4) of this Rule, will be a special and continuing item on the committee agenda for the next meeting.

### **2.36—Reconsideration; vote required**

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

### **2.37—Reconsideration; debate allowed**

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

### **2.38—Reconsideration; collateral matters**

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

## **PART SIX—COMMITTEES—AMENDMENTS**

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

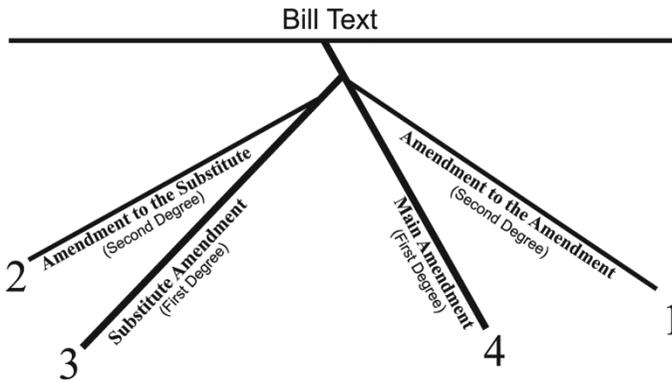
(1) No amendment or proposed committee substitute to any measure, or no proposed committee bill on any committee agenda shall be considered by that committee unless the amendment, proposed committee substitute, or proposed committee bill was prepared in proper form and filed with the committee administrative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

- (a) After distribution of all timely filed amendments, amendments to amendments or substitute amendments may be filed to any measure to which an amendment was timely filed. Such amendments must be filed with the committee administrative assistant at least two (2) hours prior to the noticed meeting time.
- (b) After distribution of all timely filed proposed committee substitutes and proposed committee bills, amendments, amendments to amendments, or substitute amendments to any proposed committee substitute or proposed committee bill must be filed with the committee administrative assistant at least two (2) hours prior to the noticed meeting time.

- (c) Amendments to late-filed amendments, proposed committee substitutes, or proposed committee bills shall be considered timely filed if filed at least two (2) hours prior to the noticed meeting time.
  - (d) After the first fifty (50) days of a regular session, an amendment, proposed committee bill, or proposed committee substitute to any measure prepared prior to a committee meeting at which it is offered shall be filed with the committee administrative assistant at least two (2) hours prior to the noticed meeting time.
  - (e) The consideration of any amendment, proposed committee bill, or proposed committee substitute not timely filed in accordance with this Rule, including any filed during a committee meeting in which it is to be offered, requires a two-thirds (2/3) vote of those committee members present, if any member requests that such a vote be taken. These time requirements do not apply to a committee's recommendation during a meeting to make a committee substitute which is merely a combination of the noticed bill and amendment.
- (2) Amendments shall be filed on forms prescribed by the Secretary.
- (a) An amendment shall be considered only after its sponsor, who is a member of the committee, gains recognition from the chair to move its adoption.
  - (b) An amendment shall be deemed pending only after its sponsor has been recognized by the chair and has moved its adoption. Amendments that have been filed but have not been formally moved for adoption shall not be deemed to be pending.
  - (c) No proposition on a subject different from that under consideration shall be admitted in the form of an amendment.

#### **2.40—Sequence of amendments to amendments**

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



- (a) Amendments to the amendment are acted on before the substitute is taken up.
  - (b) Amendments to the substitute are next voted on.
  - (c) The substitute then is voted on.
- (2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.
- (3) The following third (3rd) degree amendments are out of order:
- (a) A substitute amendment for an amendment to the amendment.
  - (b) A substitute amendment for an amendment to the substitute.
  - (c) An amendment to an amendment to the amendment.
  - (d) An amendment to an amendment to the substitute amendment.

#### **2.41—Deleting everything after enacting clause**

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

#### **2.42—Amendment by section**

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

### **2.43—Senate amendments to House bills**

A House bill may be amended in the same manner as a Senate bill.

### **2.44—Amendments by previous committees**

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

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

### **2.45—Decorum and debate**

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

### **2.46—Chair’s power to recognize**

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

### **2.47—Interruptions; when allowed**

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

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

(2) The chair shall strictly enforce this Rule.

### **2.48—Speaking rights**

(1) When a member is speaking and another member interrupts to request recognition, the chair may permit the person rising to state why

he or she desires 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.

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

#### **2.49—Time for debate**

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

#### **2.50—Limitation on debate**

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

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

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

### **RULE THREE**

#### **BILLS, RESOLUTIONS, AND MEMORIALS**

##### **3.1—Form of bills**

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

*See* FLA. CONST. art. III, § 6 Laws.

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

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

See FLA. CONST. art. III, § 6 Laws.

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

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

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

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

### **3.2—Bills for introduction**

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

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

See Rule 3.7—Bill filing deadline during regular session; bill filing between regular sessions; exceptions.

See Rule 13.4—Delivery for introduction.

### **3.3—Form of local bills**

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

See FLA. CONST. art. III, § 10 Special laws.

### **3.4—Form of joint resolutions**

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

See FLA. CONST. art. III, § 6 Laws.

### **3.5—Form of memorials**

All memorials shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, “Be It Resolved by the Legislature of the State of Florida:.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **3.9—Copies of bills**

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

### **3.10—Identification of bills**

Bills and other measures requiring legislative action shall be introduced in the order they are received by the Secretary. They shall be serially numbered with even numbers as introduced, without differentiation in number as to type. The Secretary shall mark the

original copy of each measure to ensure its identification, and each page thereof, as the item introduced in order to prevent unauthorized or improper substitutions. This identification may be made by any device to accomplish the purpose of this Rule. Such device shall be in the custody of the Secretary, and its use by any person not authorized by this Rule is prohibited.

### **3.11—Companion measures**

(1) When a Senate bill is reached on the calendar of the Senate for consideration, either on second (2nd) or third (3rd) reading, and there is also pending on the calendar of the Senate a companion measure already passed by the House, it shall be in order to move that the House companion measure be substituted and considered in lieu of the Senate measure. Such motion may be adopted by a majority vote of those Senators present, provided the House measure is on the same reading; otherwise, the motion shall be to waive the Rules by a two-thirds (2/3) vote of those Senators present and read such House measure.

(2) 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. Differences between the Senate bill and the House bill shall be explained by the mover prior to a vote on a substitution motion.

(3) A House bill residing in a Senate committee that is a companion of a bill under consideration in the Senate may be withdrawn from the committees of reference without motion, unless a Senator requests a vote on such withdrawal action.

(4) 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; co-introducers; introducers no longer Senators**

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

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

### **3.13—Fiscal notes**

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

(2) Fiscal notes on 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.

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

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

## **RULE FOUR**

### **ORDER OF BUSINESS AND CALENDAR**

#### **4.1—Sittings of the Senate**

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

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

#### **4.2—Quorum**

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

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

### 4.3—Daily Order of Business

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

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

(2) The Secretary shall prepare and distribute, on each session weekday, a calendar corresponding to the Daily Order of Business; and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be omitted from the formal calendar and may be distributed to Senators by the Secretary separately. Weekend calendars may be prepared when necessary to provide notice of meetings on Saturday or Sunday.

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

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

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

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

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

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

#### **4.4—Repealed**

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

(1) The report of a conference committee appointed pursuant to Rule 1.5 shall be read to the Senate after which the vote shall be:

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

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

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

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

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

#### **4.6—Reference generally**

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

(2) The sequence of the President's reference actions shall indicate which standing committee will receive the report of a standing subcommittee.

(3) 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 introducer. In the event of extended absence of the President or the President's disability or incapacity, the President Pro Tempore shall assume the duty of referring bills.

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

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

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

(7) When the Secretary, through staff review, has determined that the bill is not local in nature for referencing purposes, the Secretary shall report such determination to the President, who shall refer such bill to an appropriate standing committee for hearing. Such report shall be made within fifteen (15) days from date of receipt by the Secretary. When the Secretary, through staff review, has determined that a bill is local in nature for referencing purposes and that it responds to the legal requirements of a local bill, the bill shall be available for the calendar on local bills notwithstanding Rule 4.3(5).

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

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

(2) If a committee reports a bill favorably with committee substitute or with any amendment which substantially amends the bill, the President may change or correct the reference of the reported bill. Notice shall be given to the Secretary and the introducer of the bill.

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

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

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

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

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

#### 4.81—Claim bills

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

(2) All claim bills shall be filed with the Secretary on or before August 1 in order to be considered by the Senate during the next regular session, except that Senators elected to the Senate during a general election or a special general election may have sixty-two (62) days from the date of that election to file a claim bill. Senators currently serving who are re-elected during a general election are not subject to the immediately preceding provision relating to sixty-two (62) days. A motion to introduce a claim bill notwithstanding the claim bill filing deadline shall be referred to the Rules Committee for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. A House claim bill which does not have a Senate companion claim bill timely filed under this Rule shall not be considered by the Senate. Any motion to consider a House claim bill which does not have a timely filed Senate companion bill shall be referred to the Rules Committee for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. The determination by the Rules Committee shall be reported back to the Senate. Upon a determination by the committee that an emergency does exist, the motion may be considered by the Senate and must be adopted by a two-thirds (2/3) vote of those Senators present.

(3) If the President determines that a *de novo* hearing is necessary to determine liability, proximate cause, and damages, a special master shall conduct such hearing pursuant to reasonable notice. Discovery 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, record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the special master who shall be available, in person, to explain his or her report to the committees and to the Senate.

(4) All claim bills shall be referred by the President to one (1) or more committees for review. On receipt of the special master's report and recommendations, if any, the Secretary shall, upon the President's reference, deliver each claim bill with the report attached to the committee or committees of reference.

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

(6) The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have

been exhausted; except that the hearing and consideration of a claim that is still within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement. This subsection does not apply to a bill which relates to a claim of wrongful incarceration.

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

#### **4.9—Reference of resolutions**

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

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

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

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

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

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

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

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

Papers of a miscellaneous nature addressed to the Senate may, at the discretion of the President, be read, noted in the Journal, or filed with an

appropriate committee. When there is a demand to read a paper other than one on which the Senate is called to give a final vote and the same is objected to by any Senator, it shall be determined by a majority vote of those Senators present. A two-thirds (2/3) vote shall be required to spread remarks upon the Journal.

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

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

See FLA. CONST. art. III, § 7 Passage of bills.

See FLA. CONST. art. XI, § 1 Proposal by legislature.

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

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

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

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

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

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

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

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

A bill shall be considered out of regular order on the calendar on unanimous consent of those Senators present obtained in the following manner: prior to the consideration of the motion, the Senator moving for unanimous consent of those Senators present shall orally give the membership not fewer than fifteen (15) minutes notice of his or her intention to move and shall specify the number of the bill and its position on the calendar. On entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and

unanimous consent of those Senators present shall be given or refused without further debate.

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

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

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

- (a) Bills that had been scheduled for a Special Order Calendar for a previous sitting may be included in the next Special Order Calendar. No other bills shall be considered until this Special Order Calendar has been completed by the Senate.
- (b) A bill appearing on a Special Order Calendar may be stricken by a two-thirds (2/3) vote of those Senators present.
- (c) A bill appearing on the calendar of bills on second (2nd) reading may be added to the end of the Special Order Calendar by a two-thirds (2/3) vote of Senators present.
- (d) All bills set as Special Orders for consideration at the same hour shall take precedence in the order in which they were given preference.
- (e) A Special Order Calendar may not be submitted by the Rules Chair, Majority Leader, and Minority Leader and considered by the Senate on the same day.

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

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

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

- (a) When such a day is designated, all bills appearing on the Consent Calendar shall be considered in their order of appearance.

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

#### **4.18—Local Bill Calendar**

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

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

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

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

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

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

#### **4.20—Enrolling**

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

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

#### **4.21—Veto messages**

All veto messages shall be referred to the Rules Committee.

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

## RULE FIVE

### VOTING

#### 5.1—Taking the yeas and nays

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

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

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

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

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

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

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

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

#### 5.3—Casting vote for another

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

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

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

### **5.5—Explanation of vote**

No Senator shall be permitted to explain his or her vote during a roll call but may submit 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 (3rd) tally shall be dropped, and the Senate shall ballot on the two (2) names remaining.

## **RULE SIX**

### **MOTIONS AND PRECEDENCE**

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

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

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

#### **6.2—Motions; precedence**

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

(a) To reconsider and leave pending a main question

*See* Rule 6.4—Reconsideration generally.

(b) To adjourn

1. At a time certain

2. Instantly

*See* FLA. CONST. art. III, § 3(e) Sessions of the legislature.

(c) To recess

(d) Questions of privilege

*See* Rule 8.11—Questions of privilege.

(e) To proceed to the consideration of executive business

(f) To reconsider

*See* Rule 6.4—Reconsideration generally.

(g) To limit debate

*See* Rule 8.6—Limitation on debate.

- (h) To temporarily postpone  
*See* Rule 6.11—Temporarily postpone.
- (i) To postpone to a day certain
- (j) To commit to a standing committee
- (k) To commit to a select committee
- (l) To amend  
*See* Rule 7—Amendments.
- (m) To postpone indefinitely  
*See* Rule 6.9—Motion to indefinitely postpone.

which shall have precedence in the descending order given.

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

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

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

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

### **6.3—Division of question**

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

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

### **6.4—Reconsideration generally**

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

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

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

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

(4) During the last fourteen (14) days of a regular session, a motion to reconsider shall be made and considered on the same day and time it is offered.

### **6.5—Reconsideration; vote required**

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

### **6.6—Reconsideration; debate**

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

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

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

### **6.8—Reconsideration; Secretary to hold for period**

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. The adoption of a motion to waive the Rules by a two-thirds (2/3) vote of those Senators present and immediately certify any bill to the House shall be construed as releasing the measure from the Secretary's possession for the period of reconsideration and shall, thereafter, preclude reconsideration. Unless otherwise directed by the President, during the last fourteen (14) days of a regular session and during any extensions thereof, or during a 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 by the Secretary forthwith.

*See* Rule 6.4—Reconsideration generally.

## **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 *State Constitution* for the current legislative session shall be construed as a motion to indefinitely postpone. Motions to indefinitely postpone shall not be applicable to collateral matters.

## **6.10—Committee substitute; withdrawn**

Once a bill has been reported as a committee substitute, it may be withdrawn from further consideration only by motion of the introducer and unanimous consent of the Senators present.

## **6.11—Temporarily postpone**

(1) The motion to temporarily postpone shall be decided without debate and shall cause a measure to be set aside but retained on the desk.

(2) If a main question has been temporarily postponed after having been debated or after motions have been applied and is not brought back up during the same sitting, it shall be placed under the order of unfinished business on the Senate calendar. If a main question is temporarily postponed before debate has commenced or motions have been applied, its reading shall be considered a nullity and the bill shall retain its original position on the order of business during that sitting; otherwise, the bill reverts to the status of bills on second (2nd) or third (3rd) reading, as applicable.

(3) The motion to return to consideration of a temporarily postponed main question shall be made under the proper order of business when no other matter is pending.

(4) If applied to a collateral matter, the motion to temporarily postpone shall not cause the main question to be carried with it. After having been temporarily postponed, if a collateral matter is not brought back before the Senate in the course of consideration of the adhering or main question, it shall be deemed abandoned.

# **RULE SEVEN**

## **AMENDMENTS**

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

(1) No amendment to a bill on any Senate calendar shall be considered by the Senate unless the amendment was prepared in proper form and filed with the Secretary no later than 5:00 p.m. the day before it is to be offered at a sitting. Copies of such amendments shall be made reasonably available by the Secretary before the sitting, upon request, to the Senators and to the public. The consideration of all amendments not

timely filed in accordance with this Rule requires a two-thirds (2/3) vote of those Senators present, if any Senator requests that such vote be taken.

(2) Amendments shall be filed with the Secretary on forms prescribed by the Secretary but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chair of the committee (or, in the chair's absence, the vice chair or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption. Amendments that have been filed with the Secretary but have not been formally moved for adoption shall not be deemed to be pending.

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

(4) The following bills are out of order and shall not be admitted or considered in the form of an amendment to a bill on the calendar and under consideration by the Senate:

- (a) Bills that have received an unfavorable committee report.
- (b) Bills that have been withdrawn from further consideration by the introducer.
- (c) Bills the substance of which have not been reported favorably by all committees of reference.
- (d) Bills that have not been published in at least one (1) daily calendar under Bills on Second (2nd) Reading.

Amendments covered by this Rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference.

(5) Reviser's bills may be amended only by making deletions.

## **7.2—Adoption**

(1) On second (2nd) reading, amendments may be adopted by a majority vote of those Senators present.

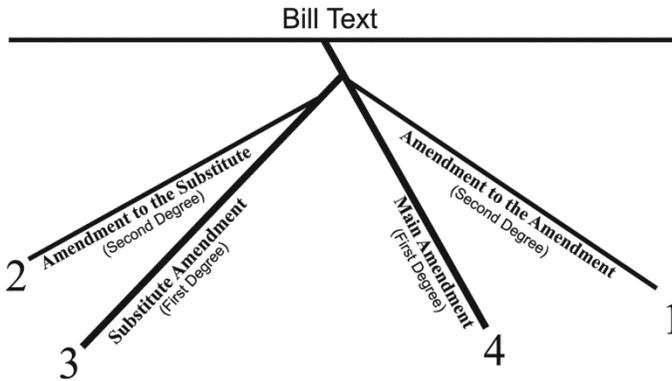
(2) On third (3rd) reading, amendments and amendments to amendments, including substitute amendments and amendments to the substitute, shall be adopted by a two-thirds (2/3) vote of those Senators present.

(3) Amendments to the title or corrective amendments may be decided, without debate, by a majority vote of those Senators present on third (3rd) reading.

## **7.3—Sequence of amendments to amendments**

(1) An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a

substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:



- (a) Amendments to the amendment are acted on before the substitute is taken up. Only one (1) amendment to the amendment is in order.
  - (b) Amendments to the substitute are next voted on.
  - (c) The substitute then is voted on.
- (2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.
- (3) The following third (3rd) degree amendments are out of order:
- (a) A substitute amendment for an amendment to the amendment.
  - (b) A substitute amendment for an amendment to the substitute.
  - (c) An amendment to an amendment to the amendment.
  - (d) An amendment to an amendment to the substitute amendment.

#### **7.4—Deleting everything after enacting clause**

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

#### **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 transmitted to the House.

### **7.8—House amendments to Senate bills**

(1) After the reading of a House amendment to a Senate bill, the Senate may consider the following motions in order of their precedence:

- (a) Amend the House amendment,
- (b) Concur in the House amendment,
- (c) Refuse to concur in the House amendment and ask the House to recede, or
- (d) Request a conference committee.

(2) The adoption of any of the foregoing motions shall be by majority vote of those Senators present.

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

(1) If the House shall refuse to concur in a Senate amendment to a House bill, the Senate may consider the following motions in order of their precedence:

- (a) Recede,
- (b) Insist that the House concur and request a conference committee, or
- (c) Insist that the House concur.

(2) The adoption of any of the foregoing motions shall be by majority vote of those Senators present.

## **RULE EIGHT**

### **DECORUM AND DEBATE**

#### **8.1—Decorum and debate**

(1) When a Senator desires to speak or present a matter to the Senate, the Senator shall rise at his or her seat and address himself or herself to

“Mr. or Madam President” and, on being recognized, may address the Senate from his or her desk or from the well of the Senate and shall confine any remarks to the question under debate, avoiding personality.

(2) A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of “Senator” or such appellation and the district number of the Senator being addressed, or a Senator may also use such appellation and the surname of the Senator referred to or addressed.

### **8.2—Presiding officer’s power of recognition**

When two (2) or more Senators rise at once, the presiding officer shall recognize the Senator who is to speak first.

### **8.3—Interruptions; when allowed**

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

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

(2) The presiding officer shall strictly enforce this Rule.

### **8.4—Senator speaking, rights**

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

(2) The Senator making a debatable motion or the introducer of a bill shall have five (5) minutes in order to close debate.

### **8.5—Limit on speaking**

No Senator shall speak longer than thirty (30) minutes without yielding the floor, except by consent of a majority of those Senators present.

### **8.6—Limitation on debate**

When a matter is under debate by the Senate, a Senator may move to limit debate, and such motion shall be decided without debate, except the introducer of the matter on which debate would be limited shall have five

(5) minutes to discuss said motion. If, by a two-thirds (2/3) vote of those Senators present, the question is decided in the affirmative, debate shall be limited accordingly. Debate may be further extended by a majority vote.

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

(1) A “point of order” is the parliamentary device used to require a deliberative body to observe its own rules and to follow established parliamentary practice.

(2) A “parliamentary inquiry” is a request for information from the presiding officer:

- (a) About business pending or soon to be pending before the Senate; or
- (b) A device for obtaining a predetermination of a rule or a clarification thereof which may be presented in hypothetical form.

### **8.8—Questioning decision not to abstain**

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

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

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

### **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 (2nd) 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**

- (1) Questions of privilege have two (2) forms:
  - (a) Privilege of the Senate—Those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and

- (b) Privilege of a Senator—The rights, reputation, and conduct of Senators individually, in their representative capacity only.

(2) These shall have precedence over all other questions except motions to adjourn or recess. A question of privilege affecting either house collectively takes precedence over a question of privilege affecting an individual Senator.

## **RULE NINE**

### **LOBBYING**

#### **9.1—Those required to register**

All persons (except those specifically exempted) who seek to encourage the passage, defeat, or modification of legislation in the Senate or before its committees shall, before engaging in such activity, register as prescribed by law and the Joint Rules of the Florida Legislature.

#### **9.2—Obligations of lobbyist**

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he or she openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

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

(3) A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

#### **9.3—Lobbyists' requirements**

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

#### **9.35—Contributions during sessions**

During a regular legislative session, and during an extended or special session as further provided for in Rule 1.361(2), a lobbyist may not directly or indirectly contribute to a Senator's own campaign, or to any organization that is registered, or should have been registered, with the Rules Committee pursuant to Rule 1.361(3).

#### **9.4—Advisory opinions**

(1) A lobbyist, when in doubt about the applicability and interpretation of Rule Nine in a particular context, may submit in writing

a statement of the facts involved to the Rules Committee and may appear in person before said committee.

(2) The Rules Committee may render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case will constitute a violation of these Rules. All opinions shall delete names and be numbered, dated, and published in the Journal.

### **9.5—Compilation of opinions**

The Secretary shall compile all advisory opinions of the Rules Committee.

### **9.6—Violations; investigations, penalties**

(1) Any person may file a sworn complaint with the Rules Chair alleging a violation of the Rules regulating the conduct and ethics of lobbyists. The complaint shall be based on personal knowledge, shall state detailed facts, shall specify the actions of the named lobbyist which form the basis for the complaint, and shall identify the specific Rule alleged by the complainant to have been violated by the lobbyist. Upon a determination by the Rules Chair that the complaint states facts supporting a finding of probable cause, the complaint shall be referred to a special master. Upon a determination by the chair that the complaint fails to state facts supporting a finding of probable cause, the complaint shall be dismissed. The special master shall conduct an investigation, shall give reasonable notice to the lobbyist who is alleged to have violated the Rules, and shall grant the lobbyist an opportunity to be heard unless the investigation fails to reveal facts supporting a finding of probable cause. A special master's report and recommendation is advisory only and shall be presented to the chair as soon as practicable after the close of the investigation. If the special master's report and recommendation conclude that the facts do not support a finding of probable cause, the complaint shall be dismissed by the Rules Chair. If the complaint is not dismissed, the Rules Committee shall consider the special master's report and recommendation, shall grant the lobbyist an opportunity to be heard, and shall develop its own recommendation. If the Rules Committee votes to dismiss the complaint, the Rules Chair shall dismiss the complaint. Otherwise, the special master's report and recommendation and the recommendation of the Rules Committee shall be presented to the President. The President shall present the committee's recommendation, along with the special master's report and recommendation, to the Senate for final action.

(2) Any person determined to have violated the requirements of Rule Nine shall be censured, reprimanded, placed on probation, or prohibited from lobbying for the duration of the session and from appearing before any Senate committee. Such determination shall be made by a majority vote of the Senate, on recommendation of the Rules Committee.

## **9.7—Committees to be diligent**

Committees shall be diligent to ascertain whether those who appear before them, in other than an obviously individual capacity, have conformed to the requirements of Rule Nine, the Joint Rules, and any other applicable law, and shall report violations. No committee member shall knowingly permit an unregistered lobbyist to be heard.

## **9.8—Lobbyist expenditures and compensation**

Chapter 2005-359, *Laws of Florida*, amends existing provisions of the law relating to legislative lobbying at the state level in Florida and adds new and substantial obligations, prohibitions, and requirements.

This Rule provides assistance to persons seeking to comply with the letter and spirit of the new law as it applies in the legislative context by refining the law and providing Interim Lobbying Guidelines and answers to 25 Frequently Asked Questions. It also is intended to provide guidance to the legislative committees that will participate in enforcing the new law.

Part One of the Guidelines refines and applies the new prohibition, with ten clearly stated exceptions, so that Senators and Senate employees can no longer directly or indirectly take any “expenditure” from a lobbyist or principal in either the public or private sector.

Part Two of the Guidelines refines and applies the underlying core requirement that “lobbying firms” must publicly disclose the compensation they receive for lobbying activities, and does so in a way that is narrowly tailored, furthers the state’s compelling governmental interest in regulating legislative lobbying at the state level, and employs the least intrusive means available to do so.

This Rule sets out general principles. Outcomes depend heavily on underlying fact patterns that can vary greatly from case to case. Full disclosure of the operative facts must be provided and considered before a proper and correct answer can be derived.

A Senator may request an informal advisory opinion from the Senate General Counsel regarding the application of the new law and this Rule to a specific situation, on which the legislator may reasonably rely.

The houses of the Legislature are responsible for the administration and enforcement of the legislative lobbying portions of the new law. The legislative lobbying expenditure prohibitions are not part of the Florida Code of Ethics for Public Officers and Employees. Neither the Florida Commission on Ethics nor the Florida courts have jurisdiction to interpret these internal matters of the Legislature.

## Part One - Expenditures

### (1) General Guidelines

#### a) The Expenditure Prohibition

The new law contains a prohibition against lobbyists and principals making direct or *indirect* lobbying expenditures for legislators and legislative employees. It provides:

[N]o lobbyist or principal shall make, directly or indirectly, and no member or employee of the Legislature shall knowingly accept, directly or indirectly, any *expenditure*.... (emphasis added).

The new expenditure prohibition applies only to expenditures made by lobbyists and principals. It applies whether or not the lobbyist, principal, legislator, or legislative employee is in Florida. Florida's gift law, section 112.3148, *Florida Statutes*, continues to apply to gifts to legislators and legislative employees from others.

**Example:** A legislator may accept a subscription to a newspaper or periodical that is neither published by, nor paid for, nor provided by a lobbyist or a principal.

**Example:** A legislator may not accept a free health screening or other personal service provided on behalf of an association that is a principal.

**Example:** A legislator may, as either a member or an invited guest, participate in meetings of, and partake of the food and beverage provided by a civic organization if the organization is not a principal.

The practical effect of this law is to prohibit expenditures for attempting to obtain the goodwill of a member or employee of the Legislature, and it is not designed to prohibit expenditures made in attempting to influence legislative action or non-action through oral or written communication.

#### b) Definitions

*"Expenditure"* is defined, essentially, as anything of value made by a lobbyist or principal *for the purpose of lobbying*.

*"Lobbying,"* in turn, means: (1) influencing or attempting to influence legislative action through oral or written communication ("active lobbying"); or, (2) attempting to obtain the *goodwill* of a member or employee of the Legislature ("goodwill").

*"Goodwill expenditure"* is a gift, an entertainment, any food or beverage, lodging, travel, or any other item or service of personal benefit to a legislator or legislative employee.

Goodwill expenditures include contributions or donations from a lobbyist or a principal to a charitable organization that is, directly or indirectly, established by, organized by, operated primarily by, or

controlled by a legislator or legislative employee, or any combination thereof.

A “*lobbyist*” is a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

“*Personal benefit*” means a profit or gain pertaining to, directed toward, or affecting a person.

A “*principal*” means the person, firm, corporation, or other entity that has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; *the individual members of the association are not principals merely because of their membership in the association.*

c) Honorarium-related Expenses

It is no longer permissible to accept from a lobbyist or principal, directly or indirectly, payment or reimbursement of expenses for travel, food, lodging, or beverage, related to speaking engagements or other honorarium-type events.

d) Indirect Expenditures

An indirect expenditure is an expenditure that is not made directly to a legislator or legislative employee, but is made to another with the purpose that the expenditure be used for the personal benefit of a legislator or legislative employee.

The new expenditure prohibition *expressly* prohibits any lobbyist or principal from directing prohibited lobbying expenditures through a surrogate or through any person who by his or her actions or activities is obligated to register as a lobbyist but has failed to do so. Third-party intermediaries, such as employees, members of associations and others, cannot be used to make prohibited expenditures.

Where an item or service (anything of value) is provided to a person *other* than a legislator or legislative employee by a lobbyist or principal and the item or service or the benefit attributable to the item or service ultimately is received by the legislator or employee, and where the item or service is provided with the intent to benefit the legislator or employee, such item or service constitutes a prohibited indirect expenditure to the legislator or employee.

Factors to be considered in determining whether a prohibited indirect expenditure has been made are set out on the following page in the joint functionality test:

## TEST FOR DETERMINING LEGALITY OF AN INDIRECT EXPENDITURE

(1) The existence or nonexistence of communications by the lobbyist or principal indicating the lobbyist's or principal's intent to make or convey the item or service, or a personal benefit attributable to the item or service, to a legislator or employee rather than to the intervening third person;

(2) The existence or nonexistence of communications by the intervening third person indicating the intent to make or convey the lobbyist's or principal's item or service, or a personal benefit attributable to the item or service, to a legislator or employee rather than to the third person;

(3) The existence or nonexistence of any relationship between the lobbyist or principal and the third person, independent of the relationship between the lobbyist or principal and a legislator or employee, that would motivate the transfer to the third person;

(4) The existence or nonexistence of any relationship between the third person and a legislator or employee that would motivate the transfer;

(5) Whether the same or similar items or services have been or are being provided to other persons having the same relationship to the lobbyist or principal as the third person;

(6) Whether, under the circumstances, the third person had full and independent decision-making authority to determine whether a legislator or employee, or another, would receive the items or services, or a personal benefit attributable to the items or services;

(7) Whether the third person was acting with the knowledge or consent of, or under the direction of, the lobbyist or principal;

(8) Whether there were payments or the intention for any payments or bookkeeping transactions between the third person and the lobbyist or principal, reimbursing the third person for the items or services;

(9) The degree of ownership or control the lobbyist or principal had over the third person; and

(10) Whether a lobbyist or principal knew, or should have known, that an item or service provided to a third party would be used to provide a personal benefit to a legislator or employee, such as for the funding of a legislative reception or an event to be attended by legislators or employees.

The following examples illustrate some of the applications of the foregoing indirect expenditure criteria:

**Example 1:** A law firm which lobbies the Legislature invites all of its attorneys to attend a weekend retreat. The attorneys are encouraged to

bring their spouses or significant others at the firm's expense. Legislator C is married to an attorney in the firm and has been asked by her spouse to attend the retreat. The lodging provided to Legislator C for the retreat, food and drink, firm t-shirts, and the like would be considered a gift to her from her spouse and thus not a prohibited indirect expenditure, because the firm's invitation was extended to Legislator C's spouse by virtue of his employment with the firm.

**Example 2:** Legislator D hosts a fox hunt attended by legislators and lobbyists. Lobbyists give money to a third person, who is not a legislator or a legislative employee, to pay for the food and beverages which will be served at the fox hunt. The third party orders and prepares the food and beverages. The money provided to the third person by the lobbyists would be a prohibited indirect expenditure to Legislator D because it was given with the intent of benefiting him and his guests at the fox hunt.

**Example 3:** Legislator N and spouse have arranged to take a vacation trip together. A legislative lobbyist meets with Legislator N's spouse and offers to pay for the spouse's travel expenses. The lobbyist and Legislator N's spouse know each other only through the lobbyist's involvement with the legislator. This would constitute a prohibited indirect expenditure to Legislator N under the new law.

e) Equal or Greater Compensation

An expenditure is not prohibited when equal or greater value is given contemporaneously by the recipient to the donor.

Therefore, it is not an expenditure if:

1. The fair market value of the event, meeting, or other activity, including any food, beverage, transportation, lodging, or any other thing of value, can readily be determined, and
2. The legislator or legislative employee pays his or her pro rata share of the total fair market value to the person or organization hosting the event contemporaneously with the time of attending or participating in the event.

Thus, if a lobbyist or principal provides \$35 worth of goods or services to a legislator or legislative employee but the legislator or legislative employee *contemporaneously* provides *equal or greater consideration*, the lobbyist or principal has not provided *anything of value*, thus, there is no "expenditure."

f) Valuation

The law is silent as to the *valuation* of goods and services. *Fair market value* is the proper and applicable standard of valuation.

The retail price of an item or service is presumed to be its fair market value so long as it is reasonable in relation to the value of the item or service and the amount is not subsidized by a lobbyist or principal.

In valuing an expenditure, you may exclude the amount of additional expenses that are regularly required as a condition precedent to the donor's eligibility to make the expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying, and is either primarily for the benefit of the donor or is paid to a charitable organization. Initiation fees and membership fees are examples of additional expenses that are regularly required as conditions precedent for eligibility to make an expenditure. Transportation expenses incurred to bring a member to an out-of-town event are not.

Entrance fees, admission fees, or tickets are normally valued on the face value or on a daily or per event basis. The portion of a ticket attributable to a charitable contribution is not included in the value. Conversely, if the ticket is subsidized by contributions of lobbyists or principals, the pro rata subsidized amount must be attributed to the face value.

A person providing transportation in a private automobile shall be considered to be making an expenditure at the then-current statutory reimbursement rate, which is currently 29 cents per mile. The value of transportation provided in other private conveyances must be calculated on its fair market value.

g) Exceptions

1. Relatives

A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

This definition of "relative" is taken from former Joint Rule 1.4(4)(b), and has operated historically as an exception to the presumption that things of value given to a legislator or employee by a lobbyist or principal are intended for the purpose of engendering goodwill.

**Example:** A legislator is permitted to accept a Christmas gift from an aunt, even if she is a lobbyist. The gift is not deemed an expenditure made for the purpose of lobbying because of the family relationship between the donor and the donee.

## 2. Employment-related Compensation and Benefits

Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the recipient's employment, business, or service as an officer or director of a corporation or organization are not prohibited expenditures so long as they are given in an amount commensurate with other similarly situated employees, officers, or directors.

These sorts of expenditures are currently also excepted from the definition of a gift in section 112.312(12)(b), *Florida Statutes*, and are a necessary exception in order for many legislators to continue their employment or continue their service on boards and continue to serve in Florida's citizen Legislature.

**Example:** A legislator who is on the board of directors of an organization that has a lobbyist is nevertheless permitted to partake of food and beverage provided to the board members by the organization at its board meetings.

## 3. Political Organizations and Entities

An expenditure does not include contributions or expenditures reported pursuant to chapter 106, *Florida Statutes*, or its federal law counterpart; campaign-related personal services provided without compensation by individuals volunteering their time; any other contribution or expenditure made by a chapter 106 entity such as a candidate campaign, political committee, organization making electioneering communications, political party, or committee of continuous existence; or an entity qualified under section 501(c)(4) or section 527 of the Internal Revenue Code.

Members are cautioned that these organizations or entities may not be used as a vehicle for skirting the new lobbying expenditure law. To the extent that funds come from lobbyists or principals, one should exercise great care that the expenditures are legal and appropriate for that particular organization or entity.

## 4. Communications Expenses

The expenditure prohibitions in the new law do not reach expenditures made by a lobbyist or principal for items such as "media advertising," "publications," "communications," and "research."

Expenditures for researching, gathering, collating, organizing, providing, or disseminating information for the *exclusive* purpose of "active lobbying" (influencing or attempting to influence legislative action through oral or written communication) are necessary for Floridians to be able to "instruct their representatives."

## 5. Office and Personal Expenses of Lobbyists and Principals

"Office expenses" and personal expenses of the lobbyist or principal for "travel," "lodging," and "food and beverages" as those items were defined

in former Joint Rule 1.4(4)(c) are exempt from the prohibition on lobbying expenditures. This category does not include any expenses for legislators, legislative employees, or persons whose expenses would be attributed to them.

#### 6. Government to Government Expenditures

Real property or a facility owned or operated by a state or local public agency or entity that is a lobbying principal and transportation to, from, and at the location provided by that agency or entity may, with the prior approval of the respective state legislative presiding officer or his or her designee, be used without payment, by a member, committee, or staff of the Legislature for a public legislative purpose. Such purposes include publicly noticed legislative committee meetings and site visits to operations conducted by the public agency or entity. Allowable free uses also specifically include legislative district offices and sub-offices and the normally attendant utilities, parking, janitorial services, building maintenance, and telecommunications equipment and services common to a government building in which the office is located. Allowable free use does not extend to sports or entertainment venues; does not include food, beverages, or entertainment; and does not include free parking privileges at any location other than a district office or sub-office.

#### 7. Free and Open Public Events

Expenditures directly associated with events that are held within the Capitol complex, out-of-doors or under temporary shelter, open to the general public, widely and publicly noticed, free to all, not ticketed, and for which equal and totally unobstructed access to the general public is provided, are not prohibited expenditures made by lobbyists or principals, or when accepted by legislators or legislative employees.

**Example:** Atlas County, Florida, is holding Atlas Day in the plaza between the Capitol and the Historic Capitol. Lunch is served to all comers. The event was widely publicized and access to the event and the food and beverage is totally unobstructed. Legislators may partake as well.

#### 8. Regional and National Legislative Organizations

The prohibition does not apply to expenditures made directly or indirectly by a state, regional, or national organization that promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff to members of that organization or to officials or staff of the Legislature. This exception does not include extracurricular activities, entertainments, or items or services provided at conferences that are paid for or provided by a lobbyist or principal.

## 9. Monetary Value Impossible to Ascertain

The value of some items is *truly impossible* to quantify at the time of the expenditure. Expenditures for which a monetary value is not ascertainable at the time of the expenditure are not prohibited. Examples are: appearing on a news show or having a feature article about a legislator in a trade magazine or other medium, applause received by a legislator at an event, obtaining priority seating in a crowded restaurant or priority for obtaining services where there is an established queue, or the pro-rata portion of a host's monthly or annual membership in an exclusive supper club.

## 10. Plaques and Certificates

The prohibition does not apply to personalized wall plaques, personalized photographs, or personalized certificates that have no substantial inherent value other than recognizing the donee's public, civic, charitable, or professional service.

### h) Effect of Other Laws and Rules

To the extent that an expenditure is excluded or exempt from the new lobbying prohibition in section 11.045, *Florida Statutes*, it is still subject to the restrictions and requirements in other statutes: most notably, the gift law (section 112.3148, *Florida Statutes*) and the campaign finance law (chapter 106, *Florida Statutes*).

## (2) Frequently Asked Questions

### LEGISLATIVE EVENTS/RECEPTIONS

1. *Question: Can a county legislative delegation or delegation office sponsor an annual event in Tallahassee on public grounds or in quarters belonging to either the Senate or the House of Representatives (i.e., "Flavors of Hillsborough")?*

**ANSWER:** A county legislative delegation may host an annual event in Tallahassee *provided* that no free food, beverages, or other personal benefits to a legislator or legislative employee are paid for or provided by a lobbyist or principal, either directly or indirectly.

Legislators and legislative staff may pay an amount established and published by the delegation as the per-person cost of the event, or they may "pop in" and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the delegation may make the event a free, open public event as described in Paragraph (1)g7. above.

2. *Question: Can a legislator or legislative employee go up to the 22<sup>nd</sup> floor of the Capitol and partake of free food and drink provided by an organization hosting a luncheon or event at the Capitol?*

**ANSWER:** It depends. Yes, provided the organization hosting the event is not a principal *and* none of the food and beverages are paid for or provided by a lobbyist or principal. Otherwise, the legislator or legislative

employee could attend the event but could not partake of the free food or beverages or they can pay the fair market value of what they consume.

3. *Question: Can “legislative days” that provide food, beverages, entertainment, and other personal benefits to legislators or legislative employees during the session and are hosted by counties, cities, universities, and others that employ a lobbyist continue?*

**ANSWER:** “Legislative days” and other legislative events funded by lobbyist or principal dollars may continue *provided* no free food, drink, entertainment, or other personal benefit is provided to a legislator or legislative employee, either directly or indirectly. Any such benefit would be a prohibited goodwill expenditure.

Legislators and legislative staff may pay an amount established and published by the sponsor as the per-person cost of the event, or they may “pop in” and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the sponsor may make the event a free, open public event as described in Paragraph (1)g)7. above.

4. *Question: Can a not-for-profit organization host receptions and events for legislators that provide food, beverages, entertainment, and other personal benefits to legislators or legislative employees through contributions solicited from lobbyists or principals who sponsor the reception or event?*

**ANSWER:** The charity may host a reception or event for legislators and legislative employees *provided* that no free food, beverages, entertainment, or other personal benefit is provided to a legislator or legislative employee from the funds of lobbyists or principals.

Legislators and legislative employees may pay an amount established and published by the sponsor as the per-person cost of the event, or they may “pop in” and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the sponsor may make the event a free, open public event as described in Paragraph (1)g)7. above.

5. *Question: Can a lobbyist or principal host an event with food, beverages, entertainment, or other personal benefit for legislators or legislative employees and collect from each legislator or legislative employee, a flat, per-person entrance fee based on the total cost to plan, produce, stage, and clean up after the event, divided by the number of persons reasonably expected to attend?*

**ANSWER:** Yes.

6. *Question: Each year, a few associations host legislative receptions/BBQs and invite their members as well as legislators. They usually pass out campaign funds at these events to those who support their industry. Would it now be legal to host this event if it were called a “fundraiser?” Could legislators then accept free food and beverages at the event?*

**ANSWER:** Senate Rule 1.361 precludes a senator, and House Rule 15.3 precludes a representative, from accepting a campaign contribution during a regular or special session, in addition to prohibiting them from accepting contributions on behalf of a section 527 or section 501(c)(4) organization, a political committee, a committee of continuous existence, a political party, or the campaign of any other senatorial candidate or candidate for representative, respectively. Thus, any fundraiser held during a regular or special session would violate the rules of each house.

Fundraisers not held during a regular or special session are outside the purview of the expenditure prohibitions in the new law. A goodwill lobbying expenditure does not include contributions or expenditures reported pursuant to chapter 106, *Florida Statutes*. However, if the facts and circumstances demonstrate that calling the event a “fundraiser” is merely an artifice for lobbyists or principals to provide free gifts, food, beverages, and other items or services of personal benefit to a legislator, not associated with influencing the results of an election, then the fundraiser would violate the expenditure prohibition of the new law. Note, also, that fundraisers remain subject to the contribution restrictions and requirements of Florida’s campaign finance law (chapter 106, *Florida Statutes*).

#### HONORARIA EXPENSES

7. *Question: Can a lobbyist or principal continue to pay or reimburse a legislator’s or legislative employee’s expenses for such items as food and beverages, travel, and lodging associated with an honorarium event?*

**ANSWER:** No.

#### GIFTS TO LEGISLATORS

8. *Question: Can a school child give a legislator a painting that he or she has made?*

**ANSWER:** Yes. The prohibition against lobbying expenditures only applies to lobbyists and principals, and those acting on their behalf.

9. *Question: Can a school student whose parent is a lobbyist or principal give a scarf that was purchased by the child’s parent to a legislator as a gift?*

**ANSWER:** It depends. The lobbying expenditure prohibition applies to all gifts from lobbyists or principals to legislators, directly or *indirectly*. A lobbyist or principal cannot use a third-party intermediary to circumvent the lobbying expenditure prohibition. Thus, if the facts and circumstances demonstrate that the scarf is an indirect gift from the lobbyist or principal to the legislator, it would be prohibited.

10. *Question: Can a legislator accept rent-free office space and associated building services from a city, county, or community college in his or her district that employs or retains a lobbyist?*

**ANSWER:** Yes. See Paragraph (1)g)6. above for explanation and limitations.

11. *Question: Can a legislator or legislative staff accept transportation services from another governmental entity?*

**ANSWER:** Yes. See Paragraph (1)g)6. above for explanation and limitations.

12. *Question: Are there any value limitations on the exceptions in the new law for “floral arrangements or other celebratory items given to legislators and displayed in chambers on the opening day of a regular session”?*

**ANSWER:** Yes. All opening day flowers and floral arrangements are subject to the limitations and requirements of the gift law (section 112.3148, *Florida Statutes*). No other celebratory items will be allowed in either chamber on opening day of the regular session.

#### FOOD AND BEVERAGES/GIFTS

13. *Question: Can a legislator or legislative employee and his or her spouse have dinner with a lobbyist friend the legislator or legislative employee has known for 30 years at the lobbyist’s home, whether or not active lobbying occurs?*

**ANSWER:** Yes, *provided* the legislator or legislative employee contemporaneously provides the lobbyist with the pro rata share of the total fair market value of the cost of the food and beverages provided to the legislator or legislative employee and his or her spouse, either in cash or barter (i.e., bottle of wine, flowers). Otherwise, the expenditure for food and beverages would constitute a prohibited goodwill expenditure, irrespective of the extent of the legislator’s and lobbyist’s friendship.

14. *Question: Can a lobbyist or principal and legislator or legislative employee have dinner at a public restaurant?*

**ANSWER:** Yes, *provided* the dinner is “Dutch treat.”

15. *Question: Can a lobbyist or principal and a legislator or legislative employee have dinner “Dutch treat” at the Governor’s Club?*

**ANSWER:** Yes, *provided* the legislator or legislative employee pays the total cost of all food and beverage that he or she was served or consumed, or that was served to or consumed by a person whose expenditures are attributed to the legislator or legislative employee.

16. *Question: Can a lobbyist’s business partner, employee, spouse, or child, who is not a registered lobbyist, accompany the lobbyist and*

*legislator or legislative employee to dinner and pay for all the food and beverages if the partner, employee, spouse, or child does not actively lobby?*

**ANSWER:** No. The lobbying expenditure prohibition applies to all food and beverages provided by lobbyists or principals to legislators or legislative employees, directly or *indirectly*. A lobbyist or principal cannot utilize a third-party intermediary to channel gifts to legislators to circumvent the lobbying expenditure prohibition.

17. *Question: If someone offers a legislator or legislative employee a drink at a bar, or any other gift or personal benefit, does the legislator or legislative employee have a duty to inquire if the donor is a lobbyist or principal?*

**ANSWER:** Yes. A legislator or legislative employee is liable for *knowingly* accepting an expenditure from a lobbyist or principal, or someone acting on behalf of a lobbyist or principal. “Knowingly” has many statutory definitions, including that a person: (1) has *actual knowledge* of the information; (2) acts in *deliberate ignorance* of the truth or falsity of the information; or, (3) acts in *reckless disregard* of the truth or falsity of the information. Therefore, prudence dictates that the legislator or legislative employee, at a minimum, make *reasonable inquiry* as to the source of the proposed expenditure to determine whether it is prohibited. *Reasonableness* will turn on the facts and circumstances of each individual situation.

For example, a legislator receiving an invitation to an event to be held the next week, from an organization he or she is not familiar with would likely require that the legislator, *at a minimum*, consult the online directory of legislative principals and lobbyists, and perhaps make further inquiry if facts or circumstances come to light indicating that the organization might be making the expenditure on behalf of a lobbyist or principal. Similarly, a legislator offered a drink from someone he or she doesn’t know in a Tallahassee bar or restaurant generally known to be frequented by lobbyists would probably be required, *at a minimum*, to ask whether the person is a lobbyist or principal or affiliated with a lobbyist or principal. On the other hand, a Miami legislator on personal holiday with his or her spouse at Busch Gardens in Tampa, who strikes up a friendship with a couple they don’t know visiting from Colorado and who subsequently offers to pay for the legislator’s and spouse’s dinner probably has less of a duty to inquire whether either member of the couple is a Florida lobbyist or principal.

## CHARITIES

18. *Question: Can a legislator or legislative employee raise funds from lobbyists or principals for charitable causes?*

**ANSWER:** Yes, *provided* the charity for which funds are sought is not directly or indirectly established by, organized by, operated primarily by,

or controlled by a legislator or legislative employee, or any combination thereof. Otherwise, such a contribution or donation would constitute a prohibited goodwill expenditure.

*19. Question: Can a legislator or legislative employee establish or operate a charitable foundation that relies on lobbyist or principal support?*

**ANSWER:** No. A legislator or legislative employee may establish or operate a charitable organization but none of the money contributed or donated to the charity may be from lobbyists or principals. Such a contribution or donation would constitute a prohibited goodwill expenditure.

*20. Question: Can a legislator or legislative employee sit on the board of a charitable organization that is not established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof? Can he or she accept free food and beverages provided by the charity and be reimbursed by the charity for expenses associated with the work of the charity (i.e., travel, lodging)?*

**ANSWER:** Yes. A legislator or legislative employee may sit on the board of a charitable organization that receives donations and contributions from lobbyists, and may partake of free food, beverages, and other personal benefits provided by the charity to board members in connection with their service, including reimbursement of personal expenses incurred by board members in furtherance of the charity's work. A goodwill expenditure does not include salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with a legislator's or legislative employee's employment, business, or service as an officer or director of a corporation or organization. *However*, any such salary, benefit, services, fees, commissions, gifts, or expenses cannot be from funds earmarked by lobbyists or principals to the charity for such purpose and must be received only for the legislator's or legislative employee's service as a member of the board.

*21. Question: Can a legislative caucus that is established as a nonprofit group raise funds from lobbyists for its charitable causes?*

**ANSWER:** It depends. If the legislative caucus or the nonprofit group is directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, then the answer is no.

If the legislative caucus or the nonprofit group is not directly or indirectly established by, organized by, or operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, then the answer is yes.

*22. Question: Can a legislative caucus that is established as a nonprofit group host its own charity golf tournament funded by lobbyist or*

*principal “sponsors” at a private club, where the cost of sponsorship buys an opportunity to play golf with a member of the caucus, and to make a presentation to the caucus before and after the event?*

**ANSWER:** Yes, provided the legislative caucus or the nonprofit group is not directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, and the legislators and legislative employees pay their own golf fees and the per-person cost for food and beverage.

## OTHER

*23. Question: What happens when a legislator is married to, related to, or living with a lobbyist? Can the lobbyist pay for meals, lodging, etc.?*

**ANSWER:** Yes, *provided* the lobbyist does not use the expenditure to actively lobby the legislator. Expenditures by “relatives” of a legislator for food, lodging, travel, and the like are specifically exempt from the definition of a goodwill expenditure.

*24. Question: Can a legislator be employed by a lobbyist or principal? Can a legislator go to the employer’s retreat and partake of food and beverages?*

**ANSWER:** Yes. A goodwill expenditure does not include salary, benefits, services, fees, commissions, gifts, or expenses *associated primarily with a legislator’s or legislative employee’s employment, business, or service as an officer or director of a corporation or organization.*

*25. Question: Where a lobbyist or principal leaves a gift, such as a box of chocolates, in a legislator’s office, what should the legislator do with the item?*

**ANSWER:** When a legislator or legislative employee receives an item that they believe violates the prohibition against accepting an expenditure from a lobbyist or principal, the item must either be sent back to the donor or delivered to the Sergeant at Arms for disposal.

## Part Two - Compensation

### (1) General Guidelines

Chapter 2005-359, *Laws of Florida*, for the first time, requires the reporting of *compensation* received by *lobbying firms* for each calendar quarter, both in the aggregate and for each individual principal. Much of the reporting is done in dollar categories; however, if compensation from a single principal is \$50,000 or more in a calendar quarter, the lobbying firm must report the specific dollar amount of the compensation, rounded to the nearest \$1,000.

A “lobbying firm” is any business entity with a lobbyist, or an individual contract lobbyist, who gets paid to lobby for a principal. It is the lobbying

firm that must report, *not the individual lobbyists in the firm* (except in the case of an individual contract lobbyist, where the lobbyist also comprises the entire lobbying firm).

Reports are due no later than 45 days after the end of each calendar quarter. Compensation reports must be filed electronically using the online filing system of the Office of Legislative Services.

The new law requires the senior partner, officer, or owner of the lobbying firm to certify to the veracity and completeness of each compensation report. This requirement is designed to discourage the mischaracterization and thus omission of reportable compensation through designations such as “media fees,” “consulting services,” “professional services,” “governmental services,” and other such artifices.

For example, if a law firm were paid a lump sum for rendering multiple types of services to a client, only one of which is lobbying, then the person certifying the report is responsible for properly and reasonably allocating the portion of the total fee received for lobbying activities and for activities other than lobbying. Only the compensation received for *lobbying* activities is to be reported on the compensation form.

The Legislature will use random audits supplemented by the lobbyist disciplinary process to hold the person certifying the compensation report and the lobbying firm accountable for making a true, complete, properly allocated report as required by law. In addition, the certification brings every compensation report filer within the scope of potential criminal penalties in section 837.06, *Florida Statutes*, for culpable violations.

## **(2) Frequently Asked Questions**

1. *Question: Is an in-house, salaried lobbyist for an association, a governmental entity, or a corporation that does not derive income from principals for lobbying required to report compensation?*

**ANSWER:** No. An association, a governmental entity, a corporation or other business entity that does not derive income from principals for lobbying, and its employee lobbyists, are not a “lobbying firm” as defined in section 11.045(1)(g), *Florida Statutes*. Only “lobbying firms” must report compensation as provided in section 11.045(3)(a), *Florida Statutes*.

2. *Question: Does the prohibition against providing compensation to an individual or business entity that is not a lobbying firm mean that in-house lobbyists must either become a lobbying firm or cease lobbying?*

**ANSWER:** No. The provision in question merely clarifies that reportable “compensation” under the law must be provided to a “lobbying firm,” and not contracted or subcontracted through some “straw man” to circumvent compensation reporting requirements. The provision in question clarifies and emphasizes the statutory definition of “compensation” in section 11.045(1)(b), *Florida Statutes*, as “anything of value provided or owed to a *lobbying firm*.”

## **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 sitting except present members of the Senate, all officers and employees of the Senate in the performance of their duties, and persons charged with messages or papers to the Senate. Also entitled to admission are the Governor or one (1) representative designated by the Governor, the Lieutenant Governor, Cabinet officers, former Governors, present and former United States Senators, present and former members of the House of Representatives of the United States and of this State, Justices of the Supreme Court, former State Senators of Florida, and persons by invitation of the President. A special section of the gallery shall be reserved for members of the families of Senators.

#### **10.2—Exception**

Except at the discretion of the President, no person entitled to admission shall be admitted if registered pursuant to Rule Nine. During a sitting, no person admitted under this Rule shall engage in any lobbying activity for or against any measure under consideration in the Senate.

#### **10.3—Admission of media by President**

Members of the media, in performance of their duties, shall be assigned to a section specifically set aside for them, and shall not be allowed on the Senate floor while the Senate is sitting, except with the approval of the President.

#### **10.4—Attire**

All persons on the main floor of the Senate Chamber and in the gallery (with the exception of visitors in that portion of the gallery set aside for the general public) shall wear appropriate business attire at all times while the Senate is sitting.

#### **10.5—Gallery**

No food or beverages shall be allowed in the gallery at any time.

## **RULE ELEVEN**

### **CONSTRUCTION AND WAIVER OF RULES**

#### **11.1—Interpretation of Rules**

It shall be the duty of the President, or the temporary presiding officer, to interpret all Rules.

## **11.2—Waiver and suspension of Rules**

(1) These Rules shall not be waived or suspended except by a two-thirds (2/3) vote of those Senators present. The motion, when made, shall be decided without debate.

(2) A motion to waive a Rule requiring unanimous consent of the Senate shall require unanimous consent of those Senators present for approval.

## **11.3—Changes in Rules**

(1) All proposed revisions of the Senate Rules shall be first referred to the Rules Committee, which shall report as soon as practicable. Consideration of such a report shall always be in order.

(2) The Rules Committee may originate reports and resolutions dealing with the Senate Rules and the Order of Business which may be approved by a two-thirds (2/3) vote, and such power shall be exclusive, provided, however, that any report made pursuant to this Rule may be amended by a two-thirds (2/3) vote of those Senators present.

## **11.4—Majority action**

Unless otherwise indicated by the Senate Rules or the *State Constitution*, all action by the Senate or any of its committees or subcommittees, including references to members or Senators present, shall be by majority vote of those Senators present and voting.

See FLA. CONST. art. X, § 12(e) Rules of construction.

## **11.5—Uniform construction**

When in the Senate 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 and voting, except that two-thirds (2/3) of the membership of the Senate shall be required to consider additional proposed legislation in any extended session in accordance with Article III, Section 3 of the *State Constitution*.

## **11.6—General**

When used in the Senate 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 or where the context indicates otherwise, the use of the word “bill,” “measure,” “question,” or “matter” means a bill, joint resolution, concurrent resolution, resolution, or memorial; however, “matter” also means an amendment, an appointment, or a suspension.

## **11.7—Sources of procedural authority**

The latest edition of *Mason’s Manual of Legislative Procedure*, *Jefferson’s Manual*, or other manuals of comparable legislative application may be consulted, but shall not be binding, when a question of parliamentary procedure is not addressed by the *State Constitution*, these Rules, Joint Rules, or prior rulings of the presidents.

## **RULE TWELVE**

### **EXECUTIVE SESSIONS, APPOINTMENTS, SUSPENSIONS, AND REMOVALS**

#### **PART ONE—EXECUTIVE SESSIONS**

##### **12.1—Executive session; authority**

The business of the Senate shall be transacted openly and not in executive session except under conditions pursuant to Article III, Section 4(b) of the *State Constitution*.

##### **12.2—Executive session; purpose**

Pursuant to Article III, Section 4(b) of the *State Constitution*, the Senate may resolve itself into executive session for the sole purpose of considering appointment, removal, or suspension. No one shall be in attendance except Senators, the Secretary, and staff as approved by the President, who shall be sworn not to disclose any executive business without consent of the Senate.

##### **12.3—Executive session; vote required**

When the Senate agrees, by a majority of those Senators present, that specified appointments, removals, or suspensions shall be considered in executive session, such shall be calendared for formal consideration by the Senate.

##### **12.4—Executive session; work product confidentiality**

All information and remarks including committee work product concerning the character and qualification, together with the vote on each appointment, removal, or suspension considered in executive session shall be kept confidential except information on which the bans of confidentiality were lifted by the Senate while in executive session.

##### **12.5—Executive session; separate Journal**

A separate Journal shall be kept of executive proceedings of the Senate, and no information regarding same shall be made public except by order of the Senate or by order of a court of competent jurisdiction.

## **12.6—Violation of Rule**

Violation of the above Rules as to the confidentiality of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for unseating the offending Senator.

## **PART TWO—APPOINTMENTS, SUSPENSIONS, AND REMOVALS**

### **12.7—Procedure; generally**

Except as otherwise herein provided, on receipt by the Senate of appointments or suspensions on which action by the Senate is required, the President shall refer each to the Ethics and Elections Committee, other appropriate committee or committees, or a special master appointed by the President. Any such committee, subcommittee, or special master shall make inquiry or investigation and hold hearings, as appropriate, and advise the President and the Senate with a recommendation and the necessity for deliberating the subject in executive session. Reports and findings of the committee, subcommittee, or special master appointed pursuant hereto are advisory only and shall be made to the President. The report of the committee, subcommittee, or special master may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or the President may refer it to the Rules Committee for its consideration and report. When the report is presented to the Senate during an open sitting or received by the Rules Committee, the report shall lose its privileged and confidential character.

### **12.8—Procedure on executive appointments**

(1) Upon receipt of a request from the Governor or other appointing official or authority for the return of the documentation of an appointment, which appointment has not been acted upon by the Senate, the Secretary, upon consultation with the President, shall return the appointment documentation and the return shall be noted in the Journal. The appointee whose appointment was returned continues in office until the end of the next ensuing regular session of the Legislature or until the Senate confirms a successor, whichever occurs first.

(2) If the appointment returned was made by the Governor, official or authority's predecessor, the appointee shall not be subject to the provisions of section 114.05(1)(e) or (f), *Florida Statutes*, during the period of withdrawal.

(3) If the appointment returned was made by the Governor, official or authority requesting the return, for purposes of section 114.05(1)(e) and (f), *Florida Statutes*, the returned appointment shall be treated as if the Senate failed to consider the appointment.

## **12.9—Procedure upon receipt of an executive suspension**

(1) Unless suspension proceedings are held in abeyance, the committee, subcommittee, or special master shall institute action by transmitting a notice of hearing for a prehearing conference or a hearing on the merits within three (3) months after the Secretary of the Senate receives the suspension order. The Governor and the suspended official shall be given reasonable notice in writing of any hearing or prehearing conference before the committee, subcommittee, or special master. If the Governor files an amended suspension order, the attention of the Senate, committee, subcommittee, or special master shall be directed at the amended suspension order.

(2) An executive suspension of a public official who has pending against him or her criminal charges, or an executive suspension of a public official that is challenged in a court shall be referred to the Ethics and Elections Committee, other appropriate committee, or special master; however, all inquiry or investigation or hearings thereon shall be held in abeyance and the matter shall not be considered by the Senate, committee, subcommittee, or special master until the pending charges have been dismissed, or until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, and the exhaustion of all appellate remedies for any of the above. The committee, subcommittee, or special master shall institute action within three (3) months after the conclusion of any pending proceedings. In a suspension case in which the criminal charge is a misdemeanor, the committee, subcommittee, or special master and the Senate may proceed if the written consent of counsel for the Governor and of the suspended official is obtained.

(3) The committee, subcommittee, or special master may provide for a prehearing conference with counsel for the Governor and the suspended official to narrow the issues involved in the suspension. At such conference, both the Governor and the suspended official shall set forth the names and addresses of all the witnesses they intend to call, the nature of their testimony, photocopies of all documentary evidence, and a description of all physical evidence that will be relied on by the parties at the hearing. Each shall state briefly what each expects to prove by such testimony and evidence. The suspended official may file with the Secretary, no later than ten (10) days prior to the first (1st) prehearing conference, or no later than the date set by the committee, subcommittee, or special master if no prehearing conference is held, all written defenses or matters in avoidance of the charges contained in the suspension order.

(4) When it is advisable, the committee, subcommittee, or special master may request that the Governor file a bill of particulars containing a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after receipt of the Governor's bill of

particulars, the suspended officer shall file a response with the committee, subcommittee, or special master. Such response shall specifically admit or deny the facts or circumstances set forth in the Governor's bill of particulars, and may further make such representation of fact and circumstances or assert such further defenses as are responsive to the bill of particulars or as may bear on the matter of the suspension.

(5) The Senate may act on the recommendations of the committee, subcommittee, or special master at any time it is sitting but shall do so no later than the end of the next regular session of the Legislature.

(6) Within sixty (60) days after the Senate has completed final action on the recommendation of the committee, subcommittee, or special master, any party to the suspension matter may request the return, at that party's expense, of any exhibit, document, or other evidence introduced by that party. After the expiration of sixty (60) days from the date the Senate has completed final action, the committee, subcommittee, or special master may dispose of such exhibits or other evidence.

See FLA. CONST. art. IV, § 7(b) Suspensions; filling office during suspensions.

### **12.10—Adjudication of guilt not required to remove suspended officer**

For the purposes of Article IV, Section 7(b) of the *State Constitution*, the Senate may find that the suspended official has committed a felony notwithstanding that a court may have withheld adjudication of guilt upon which the suspension order is based in whole or in part.

### **12.11—Special master; appointment**

The President may appoint and contract for the services of a special master to perform such duties and make such reports in relation to suspensions and removals as he or she shall prescribe.

### **12.12—Special master; floor privilege**

With consent of the President, the special master may have the privilege of the Senate floor to present and explain the report and answer questions as to the law and facts involved.

### **12.13—Issuance of subpoenas and process**

The committee, subcommittee, and special master shall each have the authority to request the issuance of subpoenas, subpoenas *duces tecum*, and other necessary process under Rule 2.2. The committee chair, subcommittee chair, and special master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear to testify on matters pending before the committee, subcommittee, or special master.

## **12.14—Rule takes precedence**

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

# **RULE THIRTEEN**

## **SPECIAL SESSION**

### **13.1—Applicability of Senate Rules**

All Senate Rules shall apply and govern during special sessions except to the extent specifically modified or contradicted herein.

### **13.2—Sittings of the Senate**

The Senate shall convene pursuant to a schedule provided by the President or at the hour established by the Senate at its last sitting.

### **13.3—Committee meetings; schedule, notice, amendment deadline**

- (1) Committee meetings shall be scheduled by the President.
  - (a) Meetings of committees scheduled in accordance with this Rule may be held after notice is published on the Senate website and posted on the Senate side of the fourth (4th) floor rotunda on the fourth (4th) floor of the Capitol for two (2) hours in advance of the meeting. If possible, such notice shall appear in the daily calendar.
  - (b) A committee may meet less than two (2) hours after the convening of a special session if a notice is filed with the Secretary by 5:00 p.m. of the day prior to the meeting.

(2) The notice shall include the date, time, and place of the meeting together with the name of the introducer, subject, number of each bill to be considered, and the amendment deadline for the meeting. All other provisions for publication of notice of committee meetings are suspended. Main amendments shall be filed no later than one (1) hour before the scheduled convening of a committee meeting. Amendments adhering to main amendments shall be filed not later than thirty (30) minutes thereafter.

### **13.4—Delivery for introduction**

All bills for introduction may be delivered to the Secretary at any time.

### **13.5—Committee reports**

(1) Bills referred to a standing committee or committees shall be reported to the Secretary before 4:30 p.m. of the third (3rd) calendar day

after the day of reference (the day of reference not being counted as the first (1st) day) unless otherwise ordered by the Senate by majority vote of those Senators present.

(2) Any bill on which no committee report is filed as required above may be withdrawn from such committee and placed on the Calendar of Bills on Second (2nd) Reading on a point of order.

(3) Bills referred to a standing subcommittee shall be reported to the standing committee to which the bills were referred at a time specified by the chair of the standing committee which shall not be beyond the time allowed herein.

### **13.6—Conference committee reports**

(1) The report of a conference committee appointed pursuant to Rule 1.5 shall be read to the Senate and, on the completion of the reading, the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. A conference committee report shall be made available to the membership two (2) hours prior to the beginning of debate of the report by the Senate.

(2) 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.

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

(4) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. In any event, the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either house.

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

(6) 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 when made.

### **13.8—Procedure to establish Special Order Calendars**

(1) The Rules Chair, Majority Leader, and Minority Leader shall together submit a Special Order Calendar determining the list of bills for consideration by the Senate. The President shall determine the order in which such bills appear on the published Special Order Calendar.

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

(2) Such Special Order Calendar shall be published in one (1) daily calendar and may be considered on the day published. The amendment deadline for bills on the Special Order Calendar shall be 5:00 p.m. or two (2) hours after the Special Order Calendar is announced, whichever occurs later.

## **RULE FOURTEEN**

### **SEAL AND INSIGNIA**

#### **14.1—Seal and insignia**

(1) There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter having in the center thereof the current Florida state flag and the current United States flag above a disc containing the words: “In God We Trust” arched above a gavel, quill, and scroll. At the top of the field of flags shall be the word: “Seal.” At the bottom shall be the date: “1838.” The perimeter of the seal shall contain the words: “Senate” and “State of Florida.”

(2) There shall be an official coat of arms for the Senate. The coat of arms shall contain the current Florida state flag and the current United States flag above the Great Seal of Florida. At the base of the coat of arms shall be the words: “The Florida Senate.”

(3) All versions of the Senate Seal, the Senate Coat of Arms, official Senate stationery, calling cards, and facsimiles thereof may be used only in connection with official Senate business.

As instructed by the Senate, necessary technical and conforming changes have been made to the Senate Rules as adopted at the 2014 Organization Session held on November 18, 2014, and as amended at the 2015 Special Session C on October 19, 2015, and the 2016 Regular Session on January 21, 2016.

*Debbie Brown*  
Secretary of the Senate



# SENATE RULES INDEX

(References are to rule numbers)

## A

**Abycance of claim bill hearing and consideration,** 4.81

### **Absence**

#### Attendance

Committee meetings

Introducer, 2.11

Members, 2.27

Compelling, 4.2

Employees, 1.30, 1.31

Executive sessions, 12.2

Records, inspection, 1.48

Senators, by, 1.20

Sittings, 1.20, 4.2

#### Committee chair

Amendments, preference in presentation,  
7.1

Call to order, 2.21

Generally, 2.25, 2.26

Temporary alternate, 2.25

Committee members, 2.27

Employees, 1.31

Excused, 1.21, 1.23

Introducer, committee meetings, 2.11

Organization session, president and president  
pro tempore of preceding session, 1.9

Pairing prohibited, 2.29

Papers, leaving, 1.22

President; chair duties, 1.7

President; reference duties, 4.6

Reason for

Committees, 2.27

Floor, 1.20

Senators, 1.20, 1.21, 4.2

**Abstention from voting,** 1.20, 1.39, 8.8

**Acceptance or solicitation of certain contributions,** 1.361

**Acts, signing by president,** 1.4, 4.20

**Actuary, consultation re fiscal notes,** 3.13

**Addressing committees,** 2.45

**Addressing senate,** 8.1

### **Adjourn, motions to**

Motion to reconsider pending, 6.4

Precedence

Generally, 6.2

Motion to discharge and appoint or instruct  
senate conferees, 2.19, 6.2, 13.6

Questions of privilege, 8.11

### **Adjournment**

Hours of; schedule, 4.1

Motion to reconsider pending

Committees, 2.35

Floor, 6.4

### **Administrative assistants, committee**

Amendments, duties re, 2.39

Committee substitutes, duties re, 2.15

Disclosure of conflict of interest, duties re,  
1.39

### **Admission to floor**

Admission, generally, 10.1

Attire, 10.4

Conference matters, meetings re; restrictions,  
2.19

Control of, 1.3

Discussions of legislative business on floor  
during session, 1.44

Lobbyists, admission of, 10.2

Nonmember voting for senator, exclusion,  
5.3

Press, admission of, 10.3

Senators; presence during a sitting, 1.20

Special master, floor privilege, 12.12

# SENATE RULES INDEX

## **Advisory opinions**

- Compilation of, 9.5
- Conduct and ethics re, 1.42
- Informal; senate general counsel, 9.8
- Lobbyists, to, 9.4
- Members, to; public inspection, 1.48

## **Affidavits, proof of publication, 3.3**

## **Affirmations**

- President, 1.1
- President pro tempore, 1.1
- Secretary, 1.8
- Witnesses
  - Claim bill hearing, 4.81
  - Committees, 2.2
  - Executive matters, 12.13

## **Agenda, committee**

- Consideration, 2.12, 2.39
- Notice, 1.45, 2.6, 2.39, 13.3

## **Agriculture committee, 2.1**

## **Aides**

- Conduct and ethics, 1.40, 1.41
- Hours of duty, 1.30
- Introducer, representing at committee meetings, 2.11
- Lobbying by, 1.29

## **Amend, motions to**

- Committees, 2.33
- Floor, 6.2

## **Amend the amendment, motions to, 2.40, 7.3**

## **Amend the house amendment, motions to, 7.8**

## **Amend the substitute, motions to, 7.3**

## **Amendments**

- Adoption, moving, 7.1
- Amendment, to the, 7.2, 7.3
- Appropriations, bill amended to affect; reference, 4.8
- Appropriations bill
  - Printing amendments to, 7.6
- Availability, 7.1
- Bills on consent calendar, 4.17
- Committee amendments
  - Amendments by previous committee, 2.44
  - Amendments to amendments, 2.40
  - Availability, 2.39
  - Consideration, prerequisites to, 2.39
  - Deadlines for filing, 2.39
  - Delete and insert, motion to; effect, 2.34
  - Deleting everything after enacting or resolving clause and inserting new language, effect, 2.41
  - Filing with committee administrative assistant, 2.39
  - Filing with secretary, 2.44
  - Form of an amendment, admitting proposition under, 2.39
  - Forms, 2.39
  - Germanity, 2.39, 2.41
  - House bills, to, 2.43
  - Item by item, 2.42
  - Manner of consideration, 2.39
  - Notice of, 2.39
  - Out of order, 2.40
  - Pending amendments, to, 2.40
  - Preference in presentation, 7.1
  - Section by section, 2.42
  - Standing committees, 2.15
  - Standing subcommittees, 2.16
  - Substitute amendments, 2.40
- Committee on rules, report on changes in rules, 11.3
- Conference committee procedure re
  - Regular session, 2.19
  - Special session, 13.6
- Consent calendar, 4.17
- Floor amendments
  - Conference committee procedure re
    - Regular session, 2.19
    - Special session, 13.6
  - Consideration, manner and prerequisites, 7.1
  - Deadlines for filing, 7.1, 13.3, 13.8
  - Deleting everything after enacting or resolving clause and inserting new language, effect, 7.4
  - Filing, 7.1

# SENATE RULES INDEX

## **Amendments (Cont.)**

- Form of an amendment, admitting proposition under, 7.1
- General form, 7.1
- Germanity, 7.1, 7.4
- House amendments to senate bills
  - Amendments to, 7.8
  - Generally, 7.8
  - Rules chair; duties re, 1.18
- House bills, to; generally, 7.7
- House refusal to concur in senate amendments, motion re, 7.9
- Item by item, 7.5
- Journal, printing in, 7.6
- Measures in committee of reference; admission in the form of an amendment, 7.1
- Notice of, 7.1
- Order of disposition, 7.3
- Out of order, 7.3
- Pending, when deemed, 7.1
- Pending amendments, to, 7.3
- Secretary; duties re, 7.1
- Section by section, 7.5
- Senate amendments to house bills; house refusal to concur, motion re, 7.9
- Substitute amendments, 7.2, 7.3
- Unfavorably reported measures; admission in the form of an amendment, 7.1
- Vote required for adoption, 7.2
- Inspection by public, 1.48
- Local governmental expenditures, bill amended to require; reference, 4.8
- Local governments' ability to raise revenues or share in state tax revenues, bill amended to reduce; reference, 4.8
- Motion to delete and insert, effect, 6.3
- Prearranged gatherings re, 1.46
- Report on changes in senate rules, 11.3
- Retirement program, state; bill amended to affect; reference, 4.8
- Reviser's bills, 7.1
- Rule requiring unanimous consent, motion to waive; effect, 11.2
- Senate rules, to; generally, 11.3
- Tax revenues, bill amended to affect; reference, 4.8
- Third reading, advancement to; effect, 4.19
- Third reading, bills on, 4.15

## **Announcement of committee and subcommittee meetings**

- Interim, 2.6
- Regular session, 2.6
- Special session, 13.3

## **Appeals**

- Chair, decisions of committee
  - Certification, 2.23
  - Debate, 2.23
  - Generally, 2.23
  - Interruptions of speaker, 2.47
- President, decisions of
  - Committee removal, 1.5
  - Generally, 1.4
  - Points of order certified by committees, 2.23
- Presiding officer, decisions of
  - Debate, 8.10
  - Generally, 8.9
  - Interruptions of speaker, 8.3
- Removal from committee, 1.5
- Secretary; decisions at organization session, 1.9

## **Appellations**

- Committees, 2.45
- Floor, 8.1

## **Appointments**

- Appointing official or authority, request for return of documentation of an appointment, 12.8
- Committee chairs, 1.5, 2.20
- Committee chairs, successors to, 2.26
- Conference committees, senate members of, 1.5
- Credentials committee, 1.24
- Executive appointments; confirmation of Committee on ethics and elections
  - Appointment, 2.1
  - Confirmation
    - Confidentiality of work product, 12.4
    - Duties, 12.7
    - Oaths and affirmations, 12.13
    - Subpoenas and other process, 12.13
- Confidentiality, 1.48, 12.4
- Documentation re specified appointments to be returned, 12.8
- Executive sessions; consideration of, 12.2
- Motion to reconsider vote, 6.4

# SENATE RULES INDEX

## **Appointments (Cont.)**

- Procedure, 12.7, 12.8
- Reference of executive appointments, 12.7
- Vote, confidentiality of, 12.4
- Vote required to consider executive appointments in executive session, 12.3
- Joint committees, senate members of, 1.5
- Joint select committees, senate members of, 1.5
- Nonlegislative appointments, accepting, 1.26
- Secretary, someone to perform duties of, 1.8
- Select committees, 1.5
- Select subcommittees, generally, 2.1
- Special master, executive matters, 12.7, 12.9, 12.11, 12.12, 12.13
- Standing committees and subcommittees, 1.5, 2.1
- Vice chairs, 2.20, 2.26

## **Appropriations, bills affecting; reference, 4.8**

## **Appropriations, bills dealing with; meetings of three or more conferees, notice of, 2.19**

## **Appropriations bill**

- Amendments to; printing in journal, 7.6
- Calendar, placement on, 4.6
- Conference, posting notice of, 2.19
- Conflict of interest, exception, 1.39
- Introduction, 3.9
- Proposed committee bill, obtaining copies in advance of meeting, 3.9

## **Appropriations committee**

- Appointment of, 2.1
- Appropriations bill, conflict of interest, exception, 1.39
- Appropriations bill; introduction by, 3.9
- Appropriations bill, reference, 4.6
- Proposed committee bill on appropriations; prerequisites to consideration, 3.9

## **Appropriations subcommittee on criminal and civil justice, 2.1**

## **Appropriations subcommittee on education, 2.1**

## **Appropriations subcommittee on general government, 2.1**

## **Appropriations subcommittee on health and human services, 2.1**

## **Appropriations subcommittee on transportation, tourism, and economic development, 2.1**

## **Attendance**

### **Absence**

- Committee chair
  - Amendments, preference in presentation, 7.1
  - Call to order, 2.21
  - Generally, 2.25, 2.26
  - Temporary alternate, 2.25
- Committee members, 2.27
- Employees, 1.31
- Excused, 1.21, 1.23
- Introducer, committee meetings, 2.11
- Organization session, president and president pro tempore of preceding session, 1.9
- Pairing prohibited, 2.29
- Papers, leaving, 1.22
- President; chair duties, 1.7
- President; reference duties, 4.6
- Reason for
  - Committees, 2.27
  - Floor, 1.20
  - Senators, 1.20, 1.21, 4.2
- Committee meetings
  - Introducer, 2.11
  - Members, 2.27
- Compelling, 4.2
- Employees, 1.30, 1.31
- Executive sessions, 12.2
- Records, inspection, 1.48
- Senators, by, 1.20
- Sittings, 1.20, 4.2

## **Attestations, 1.13**

## **Attire, 10.4**

## **Authority of the president, 1.4**

# SENATE RULES INDEX

## B

**Backing bills**, 3.1

**Ballot, elections by**, 5.6

**Banking and insurance committee**, 2.1

**Beverages in gallery**, 10.5

**Bill of particulars supporting suspension order**, 12.9(4)

### **Bills and other measures**

#### Amendments

- Adoption, moving, 7.1
- Amendment, to the, 7.2, 7.3
- Appropriations, bill amended to affect; reference, 4.8
- Appropriations bill
  - Printing amendments to, 7.6
- Availability, 7.1
- Bills on consent calendar, 4.17
- Committee amendments
  - Amendments by previous committee, 2.44
  - Amendments to amendments, 2.40
- Availability, 2.39
- Consideration, prerequisites to, 2.39
- Deadlines for filing, 2.39
- Delete and insert, motion to; effect, 2.34
- Deleting everything after enacting or resolving clause and inserting new language, effect, 2.41
- Filing with committee administrative assistant, 2.39
- Filing with secretary, 2.44
- Form of an amendment, admitting proposition under, 2.39
- Forms, 2.39
- Germanity, 2.39, 2.41
- House bills, to, 2.43
- Item by item, 2.42
- Manner of consideration, 2.39
- Notice of, 2.39
- Out of order, 2.40
- Pending amendments, to, 2.40

### **Bills and other measures (Cont.)**

- Preference in presentation, 7.1
- Section by section, 2.42
- Standing committees, 2.15
- Standing subcommittees, 2.16
- Substitute amendments, 2.40
- Committee on rules, report on changes in rules, 11.3
- Conference committee procedure re
  - Regular session, 2.19
  - Special session, 13.6
- Consent calendar, 4.17
- Floor amendments
  - Conference committee procedure re
    - Regular session, 2.19
    - Special session, 13.6
  - Consideration, manner and prerequisites, 7.1
  - Deadlines for filing, 7.1, 13.3, 13.8
  - Deleting everything after enacting or resolving clause and inserting new language, effect, 7.4
  - Filing, 7.1
  - Form of an amendment, admitting proposition under, 7.1
  - General form, 7.1
  - Germanity, 7.1, 7.4
  - House amendments to senate bills
    - Amendments to, 7.8
    - Generally, 7.8
    - Rules chair; duties re, 1.18
  - House bills, to; generally, 7.7
  - House refusal to concur in senate amendments, motion re, 7.9
  - Item by item, 7.5
  - Journal, printing in, 7.6
  - Measures in committee of reference; admission in the form of an amendment, 7.1
  - Notice of, 7.1
  - Order of disposition, 7.3
  - Out of order, 7.3
  - Pending, when deemed, 7.1
  - Pending amendments, to, 7.3
  - Secretary; duties re, 7.1
  - Section by section, 7.5
  - Senate amendments to house bills; house refusal to concur, motion re, 7.9
  - Substitute amendments, 7.2, 7.3
  - Unfavorably reported measures; admission in the form of an amendment, 7.1
  - Vote required for adoption, 7.2
  - Inspection by public, 1.48

## SENATE RULES INDEX

### **Bills and other measures (Cont.)**

- Local governmental expenditures, bill amended to require; reference, 4.8
- Local governments' ability to raise revenues or share in state tax revenues, bill amended to reduce; reference, 4.8
- Motion to delete and insert, effect, 6.3
- Prearranged gatherings re, 1.46
- Report on changes in senate rules, 11.3
- Retirement program, state; bill amended to affect; reference, 4.8
- Reviser's bills, 7.1
- Rule requiring unanimous consent, motion to waive; effect, 11.2
- Senate rules, to; generally, 11.3
- Tax revenues, bill amended to affect; reference, 4.8
- Third reading, advancement to; effect, 4.19
- Third reading, bills on, 4.15
- Appropriations; affecting, reference, 4.8
- Appropriations bill
  - Amendments to; printing in journal, 7.6
  - Calendar, placement on, 4.6
  - Conference, posting notice of, 2.19
  - Conflict of interest, exception, 1.39
  - Introduction, 3.9
  - Proposed committee bill, obtaining copies in advance of meeting, 3.9
- Attestation of passage, 1.13
- Backing, 3.1
- "Bill," construction of, 11.6
- Capitalization, 3.1
- Certification of passage, 1.13
- Certification to house, immediate, 6.8
- Claim bills, 4.81
- Co-introduction, 3.12
- Coding indicators, 3.1
- Committee bills
  - Appropriations bill; prerequisites to committee consideration, 3.9
  - Backing for introduction, 3.1
  - Generally, 2.15
  - Introduction, 3.12
  - Publication, 3.9
- Committee substitutes
  - Committee amendments, incorporation of, 2.44
  - Copies, 3.9
  - Favorable reports by one committee, effect, 4.7
  - Proposed substitutes; filing and copies, 2.39
  - Reference, changed or corrected by president, 4.7
  - Standing committees, 2.15

### **Bills and other measures (Cont.)**

- Standing subcommittees, 2.16
- Withdrawal, 6.10
- Companions
  - Fiscal notes, 3.13
  - Generally, 3.11
  - Substitution of, 3.11
- Concurrent resolutions
  - Attestation of passage, 1.13
  - "Bill," "measure," "question," or "matter," inclusion, 11.6
  - Capitalization, 3.6
  - Copies, 3.9
  - Deleting everything after the resolving clause and inserting new language
    - Committees, 2.41
    - Floor, 7.4
  - Engrossing and enrolling, 1.10
  - Extending a legislative session, 4.9, 4.13
  - Form, 3.6
  - Generally, 4.13
  - Inspection by public, 1.48
  - Joint rules, 4.9, 4.13
  - Joint session, 4.9, 4.13
  - Order of business, origination, 11.3
  - Readings, 4.13
  - Recalling a bill from the governor, 4.9, 4.13
  - Recommitment upon report without quorum, 2.17
  - Reference, 4.9
  - Rules, changes in; origination, 11.3
  - Setting an effective date for a vetoed bill, 4.9, 4.13
  - Signing by president, 1.4, 4.20
  - Signing by secretary, 1.13, 4.20
  - Titles, 3.6
  - Transmittal, 1.10, 1.17
  - Vote required, 4.13
- Conference committees
  - Appointment or removal of senate members, 1.5, 2.19
  - Chairs of senate and house conferees or subconferees, meetings between; notice, 2.19
  - Conferees, meetings of a majority of; notice, 2.19
  - Conference matters, meetings to discuss; place and notice, 2.19
  - Final action, taking, 2.19
  - Meetings, 2.19
  - Motion that the senate insist and request, 7.9

## SENATE RULES INDEX

### **Bills and other measures (Cont.)**

- Motion to discharge and appoint or instruct senate conferees
- Precedence, 6.2
- Regular session, 2.19
- Special session, 13.6
- Motion to request, 7.8
- Public access and notice, 1.46
- Regular session, 2.19
- Reports
  - Copies, availability, 4.5, 13.6
  - Messages, transmittal of, 6.8
  - Order of business, 4.5
  - Reading and action, 4.5
  - Requirements, 2.19
- Special session, 13.6
- Consent calendar bills, 4.17
- Consideration
  - Amendments, 7.1
  - Appropriations bill; prerequisites to committee consideration, 3.9
  - Claim bills, 4.81
- Committees
  - Amendments; prerequisites to consideration by, 2.39
  - Bills; notice requirement for consideration, 2.6
  - Time for reports; special session, 13.5
- Companion measures, 3.11
- Concurrent resolution
  - Attestation of passage, 1.13
  - “Bill,” “measure,” “question,” or “matter,” inclusion, 11.6
- Capitalization, 3.6
- Copies, 3.9
- Deleting everything after the resolving clause and inserting new language
  - Committees, 2.41
  - Floor, 7.4
- Engrossing and enrolling, 1.10
- Extending a legislative session, 4.9, 4.13
- Form, 3.6
- Generally, 4.13
- Inspection by public, 1.48
- Joint rules, 4.9, 4.13
- Joint session, 4.9, 4.13
- Order of business, origination, 11.3
- Readings, 4.13
- Recalling a bill from the governor, 4.9, 4.13
- Recommitment upon report without quorum, 2.17
- Reference, 4.9
- Rules, changes in; origination, 11.3

### **Bills and other measures (Cont.)**

- Setting an effective date for a vetoed bill, 4.9, 4.13
- Signing by president, 1.4, 4.20
- Signing by secretary, 1.13, 4.20
- Titles, 3.6
- Transmittal, 1.10, 1.17
- Vote required, 4.13
- Consent calendar, bills on, 4.17
- Final day for introduction, bills filed after; waiver of rules for, 3.7
- General calendar of bills on second or third reading, 4.19
- Local bills, 4.18
- Out of regular order, 4.16
- Resolutions of condolence or commemoration, 4.9
- Second reading, bills on; order of business, 4.3
- Special order calendar, bills on
  - Regular session, 4.17
  - Special session, 13.8
- Third reading, bills on; order of business, 4.3
- Deleting everything after enacting or resolving clause and inserting new language, effect
  - Committees, 2.41
  - Floor, 7.4
- Delivery for introduction
  - Regular session and interim, 3.7
  - Special session, 13.4
- Engrossing
  - Clerk, 1.8
  - Second reading, after, 4.19
  - Secretary, 1.8, 1.10
- Enrolling
  - Clerk, 1.8
  - Secretary, 1.8, 1.10, 4.20
- Estimated economic impact statement, 3.13
- Examination by secretary, 1.15
- Expenditures of state or local governments, bill affecting
  - Fiscal note, 3.13
  - Reference, 4.8
- Filed bills
  - Generally, 3.8
  - Introduction after final day for filing, 3.7
  - Introduction by nonreturning senator, 3.12
  - Reference, 4.6
- Filing
  - Regular session and interim, 3.7
  - Secretary, 3.2
  - Special session, 13.4
- First reading, 4.3

## SENATE RULES INDEX

### **Bills and other measures (Cont.)**

- Fiscal liabilities of state or local governments, affecting, 3.13
- Fiscal notes, 3.13
- Form, 3.1
- House bills
  - Amendments to; committees, 2.43
  - Amendments to; floor, 7.7
- Identification, 3.7, 3.10
- Indexes, 1.16
- Inspection by public, 1.48
- Introducer
  - Bill jacket, name on, 3.1, 3.12
  - Committee meetings
    - Attendance, 2.11
    - Considering bill out of order for, 2.12
    - Debate, time allowed to close, 2.48
    - Motion to limit debate, rights re, 2.50
  - Committee substitutes, 2.15, 4.7
  - Constitutionality and legal correctness, responsibility for, 1.15
  - Debate, time allowed to close, 8.4
  - Delivery for introduction, 3.7
  - Index by, 1.16
  - Motion to limit debate, rights re, 8.6
  - Name on bill jacket, 3.1, 3.12
  - Nonreturning senator, 3.12
  - Reference, recommendations re, 4.6
- Introduction
  - Appropriations bill, 3.9
  - Bills, 3.2
  - Co-introduction, 3.12
  - Committee bills, 2.15, 2.16
  - Concurrent resolution, form requirements, 3.6
  - During regular session, 3.7
  - Examination upon tender for, 1.15
  - Filed bills
    - Generally, 3.8
    - Nonreturning senator, by, 3.12
  - Final day for, 3.7
  - Joint resolution, form requirements, 3.4
  - Local bill, requirements, 3.3
  - Memorial, form requirements, 3.5
  - Name on bill jacket, 3.12
  - Order of receipt, 3.10
  - Resolutions, form requirements, 3.6
  - Special session, delivery for, 13.4
- Jackets, 3.1
- Joint Resolutions
  - Attestation of passage, 1.13
  - “Bill,” “measure,” “question,” or “matter,” inclusion, 11.6
  - Capitalization, 3.4
  - Coding indicators, 3.1

### **Bills and other measures (Cont.)**

- Copies, 3.9
- Deleting everything after the resolving clause and inserting new language
  - Committees, 2.41
  - Floor, 7.4
- Economic impact statement, 3.13
- Engrossing and enrolling, 1.10
- Fiscal note, 3.13
- Form, 3.4
- Inspection by public, 1.48
- Readings, 4.12
- Recommitment upon report without quorum, 2.17
- Reference, 4.9
- Signing by president, 1.4, 4.20
- Signing by secretary, 1.13, 4.20
- Third reading; reference, amendment or postponement, 4.15
- Title, 3.4
- Transmittal, 1.17
- Vote required, 4.12
- Legal form, examination, 1.15
- Local bills
  - Calendar of, 4.18
  - Daily calendar, omission from, 4.3
  - Determining local nature, 4.6
  - Introduction requirements, 3.3
  - Proof of publication, 3.3
  - Referenda, 3.3
  - Review, 4.6
- Local governmental expenditures, requiring; reference, 4.8
- Local governments’ ability to raise revenues or share in state tax revenues, reducing; reference, 4.8
- “Matter,” construction of, 11.6
- “Measure,” construction of, 11.6
- Memorials
  - Attestation of passage, 1.13
  - “Bill,” “measure,” “question,” or “matter,” inclusion, 11.6
  - Capitalization, 3.5
  - Engrossing and enrolling, 1.10
  - Form, 3.5
  - Readings, 4.13
  - Signing by president, 1.4, 4.20
  - Signing by secretary, 1.13, 4.20
  - Titles, 3.5
  - Transmittal of; secretary, 1.10, 1.17
  - Vote required, 4.13
- New and deleted matter, 3.1
- Out of order, form of amendment, 7.1

## SENATE RULES INDEX

### Bills and other measures (Cont.)

- Passage
  - After second reading of conference committee report
    - Regular session, 4.5
    - Special session, 13.6
  - Attestation of, 1.13
  - Immediate certification to house, 6.8
- Prearranged gatherings re, 1.46
- Publication, 3.9
- “Question,” construction of, 11.6
- Reading
  - Amendments, 7.2
  - Bills, generally, 4.12
  - Committee motions, 2.32
  - Committee substitutes, 2.15
  - Companion measures, substitution on different readings, 3.11
  - Concurrent resolutions
    - Extending a legislative session, 4.9, 4.13
    - Generally, 4.13
    - Joint rules, 4.9, 4.13
    - Joint session, 4.9, 4.13
    - Recalling a bill from the governor, 4.9, 4.13
    - Setting an effective date for a vetoed bill, 4.9, 4.13
  - Conference committee reports
    - Regular session, 4.5
    - Special session, 13.6
  - Filed bills, 3.8
  - First reading, 4.3
  - House amendments to senate bills, 7.8
  - House messages, 1.18
  - Joint resolutions, 4.12
  - Memorials, 4.13
  - Motions
    - Committee, 2.32
    - Floor, 6.1
  - Papers, 1.12
  - Papers of miscellaneous nature, 4.11
  - Resolutions, 4.14
  - Resolutions of condolence or commemoration, 4.9
  - Second; order after, 4.19
  - Second; order of business, 4.3
  - Status, publication in calendar, 1.11
  - Third reading
    - Advancement to, 4.19
    - Amendments, adoption, 7.2
    - Order of business, 4.3
    - Reference, amendment or postponement on, 4.15
  - Title only, by; authority, 4.12, 4.13
  - Waiver of reading requirement, 4.12, 4.13

### Bills and other measures (Cont.)

- Recommitment
  - Companion measures, effect on, 3.11
  - Report without proper notice, 2.7
  - Report without quorum of committee, 2.17
  - Standing committee report, after, 2.15
- Reference
  - Appropriations, bills affecting, 4.8
  - Bill to a different committee, 4.10
  - Claim bills, 4.81
  - Committee poll, matters reported by, 2.27
  - Committee substitutes, substantially amended, 4.7
  - Conduct and ethics rules
    - Complaints re violations, 1.43
    - Questions of interpretation and enforcement, 1.42
  - Employee disputes, 1.28
  - Engrossing clerk, to, 4.19
  - Equitable claim bills, 4.81
  - Excess judgment claim bills, 4.81
  - Executive appointments and suspensions, 12.7, 12.9
  - Filed bills
    - Generally, 4.6
    - President, by, 3.8
  - Generally, 4.6
  - House amendments to senate bills, 1.18
  - Local bills, 4.6
  - Local governmental expenditures, bills requiring, 4.8
  - Local governments’ ability to raise revenues or share in state tax revenues, bills reducing, 4.8
  - More than one reference, 4.7
  - Motion re committee reference, order of business, 4.3
  - Motion to refer to different committee, 4.10
  - Motion to waive rule requiring unanimous consent, 11.2
  - Order of business, 4.3
- Recommitment
  - Companion measures, effect on, 3.11
  - Report without proper notice, 2.7
  - Report without quorum of committee, 2.17
  - Standing committee report, after, 2.15
- Resolutions, generally, 4.9
- Retirement system, state; bill affecting, 4.8
- Rules, proposed changes to, 11.3
- Second reading, after, 4.19
- Tax revenues, bills affecting, 4.8
- Third reading, bills or joint resolutions on, 4.15

# SENATE RULES INDEX

## **Bills and other measures (Cont.)**

- Time limitations, 4.6
- Reports
  - Bills recommitted for failure to provide proper notice, 2.7
- Claim bills, 4.81
- Committee on ethics and elections, 12.7
- Committee on rules
  - Changes in rules, 11.3
  - Executive matters, 12.7
  - Local bills, 4.6
  - Motion to waive rule re bills filed after final day for introduction, 3.7
- Committee substitutes
  - Favorable report by one committee; effect, 4.7
- Filing, 2.15
- Committees
  - Approval by chair, 2.23
  - Inspection by public, 1.48
  - Order of business, 4.3
  - Publication in calendar, 1.11
  - Special session, 13.5
  - Standing committees, 2.15
  - Standing subcommittees, 2.16
- Conduct and ethics violations, 1.43
- Conference committees
  - Copies, availability, 4.5, 13.6
  - Messages, transmittal, 6.8
  - Order of business, 4.5
  - Regular session
    - Deliberation and requirements, 2.19
    - Reading and action, 4.5
  - Special session, 13.6
- Credentials committee, 1.24
- Disposal of, 1.48
- Executive matters, 12.7
- Exemptions from public inspection, 1.48
- Filed bills
  - Generally, 3.8
  - Nonreturning senator, by, 3.12
- House amendments to senate bills, 1.18
- Inspection by public, 1.48
- Lobbying violations before committees, 9.7
- More than one reference; unfavorable report by one committee, effect, 4.7
- Rejected by standing committee, 2.16
- Secretary, local bills, 4.6
- Select subcommittees, 2.1
- Special master
  - Claim bills, 4.81
  - Conduct and ethics violations, 1.43, 9.6
  - Executive appointments, 12.7

## **Bills and other measures (Cont.)**

- Executive suspensions
  - Floor privilege, 12.12
  - Generally, 12.7, 12.9, 12.11
  - Lobbying violations, 9.6
  - State agencies, reports to standing committees and subcommittees, 2.2
- Resolutions
  - Attestation of passage, 1.13
  - “Bill,” “measure,” “question,” or “matter,” inclusion, 11.6
  - Capitalization, 3.4, 3.6
  - Concurrent
    - Adopting joint rules of the legislature, 4.9, 4.13
    - Extending a legislative session, 4.9, 4.13
    - Generally, 4.13
    - Recalling bill from governor, 4.9, 4.13
    - Setting an effective date for a vetoed bill, 4.9, 4.13
  - Copies, 3.6, 3.9
  - Deleting everything after the resolving clause and inserting new language
    - Committees, 2.41
    - Floor, 7.4
  - Engrossing and enrolling, 1.10
  - Form, 3.4, 3.6
  - Inspection by public, 1.48
  - Joint
    - Coding indicators, 3.1
    - Economic impact statement, 3.13
    - Fiscal note, 3.13
    - Third reading; reference, amendment or postponement, 4.15
  - Order of business, origination, 11.3
  - Readings, 4.12, 4.13, 4.14
  - Recommitment upon report without quorum, 2.17
  - Reference, 4.9
  - Rules, changes in; origination, 11.3
  - Signing by president, 1.4, 4.20
  - Signing by secretary, 1.13, 4.20
  - Titles, 3.4, 3.6
  - Transmittal, 1.10, 1.17
  - Vote required, 4.12, 4.13, 4.14
- Returned to the desk and reconsidered, 5.2
- Revenues of state or local governments, affecting, 3.13
- Reviser’s bills; amendments to, 7.1
- Second reading, disposition after, 4.19
- Signing after enrolling, 4.20
- Special order, 4.17
- Special session, delivery for introduction, 13.4

## SENATE RULES INDEX

### Bills and other measures (Cont.)

- Sponsor
  - Bill jacket, name on, 3.1, 3.12
- Committee meetings
  - Attendance, 2.11
  - Considering bill out of order for, 2.12
  - Debate, time allowed to close, 2.48
  - Motion to limit debate, rights re, 2.50
- Committee substitutes, 2.15, 4.7
- Constitutionality and legal correctness, responsibility for, 1.15
- Debate, time allowed to close, 8.4
- Delivery for introduction, 3.7
- Index by, 1.16
- Motion to limit debate, rights re, 8.6
- Name on bill jacket, 3.1, 3.12
- Nonreturning senator, 3.12
- Reference, recommendations re, 4.6
- State retirement systems, bill affecting
  - Fiscal note, 3.13
  - Reference, 4.8
- Status, publication in calendar, 1.11
- “Substantial rewording” notation, 3.1
- Tax revenues, affecting; reference, 4.8
- Third reading
  - Advancement to, 4.19
  - Amendments, adoption, 7.2
  - Order of business, 4.3
  - Reference, amendment or postponement on, 4.15
- Title requirements, 3.1
- Transmittal of
  - Bills and messages, during last 14 days of regular session and extension, 6.8
  - Bills and messages, during special session, 6.8
  - Messages re senate action on house amendments or conference committee reports, 6.8
  - Secretary; measures and messages, 1.10, 1.17, 6.8
- Unfavorable reports by standing committees, effect, 2.15
- Unfavorable reports by standing subcommittees, effect, 2.16
- Unfavorably reported measures; admission in the form of an amendment, 7.1
- Withdrawal from committee
  - Committee substitutes, 4.10, 6.10
  - Filed bills, 3.8
  - Remove bill from committee, motion to, 4.10
  - Special session, 13.5
- Withdrawn measures as subject of an amendment, 7.1

### Bills and other measures (Cont.)

- Wrongful incarceration, 4.81

### Business

- Conference committee
  - Appointment or removal of senate members, 1.5, 2.19
  - Chairs of senate and house conferees or subconferees, meetings between; notice, 2.19
  - Conferees, meetings of a majority of; notice, 2.19
  - Conference matters, meetings to discuss; place and notice, 2.19
  - Final action, taking, 2.19
  - Meetings, 2.19
  - Motion that the senate insist and request, 7.9
  - Motion to discharge and appoint or instruct senate conferees
    - Precedence, 6.2
    - Regular session, 2.19
    - Special session, 13.6
  - Motion to request, 7.8
  - Public access and notice, 1.46
  - Regular session, 2.19
- Reports
  - Copies, availability, 4.5, 13.6
  - Messages, transmittal of, 6.8
  - Order of business, 4.5
  - Reading and action, 4.5
  - Requirements, 2.19
  - Special session, 13.6
- Definition, 1.44
- Discussions re, 1.44
- Executive
  - Appointments, consideration, 12.2
  - Attendance, 12.2
  - Authority, 12.1
  - Confidentiality
    - Generally, 1.48, 12.4
    - Violation of rule, 12.6
  - Journal, secretary’s duties re, 1.10, 12.5
  - Journal, separate, 1.10, 12.5
  - Motion to proceed to consideration of executive business, precedence, 6.2
  - Penalties, violation of confidentiality, 12.6
  - Records, public inspection, 1.48
  - Removals, 12.2
  - Reports, 12.7
  - Resolving into, 12.2
  - Secretary; duties re, 12.2
  - Suspensions, consideration, 12.2

# SENATE RULES INDEX

## **Business (Cont.)**

Vote required to consider appointments or suspensions in, 12.3

### **Financial**

Authorizations of payment; signature required, 1.4

Committee personnel, joint utilization with house, 2.4

Legal services, 1.4

Nonlegislative memberships re, 1.26

Records, public inspection, 1.48

Requisitions, 1.4

Senators, 1.25

Travel and per diem, authority, 1.4

Vouchers, approval, 1.4

### **Meetings**

Between legislators re; open meeting requirement, 1.44

Exemption from open meeting requirement, 1.44

Legislative business discussed, notice requirement, 1.45

### **Open sessions, 12.1**

### **Order**

Calendar, publication in, 1.11

#### **Committees**

Generally, 2.12

Proceeding with, 2.21

Reconsider, motion to, 2.35

Reconsider collateral matters, motion to, 2.38

Reconsider instantler, motion to, 2.35

Conference committee reports, 4.5

Consent calendar, 4.17

Consideration of bill out of regular order, 4.16

Daily order of business, 4.3

House messages; withholding from, 4.3

Local bill calendar, 4.18

Proceeding with, 1.2

Reconsider, motion to, 6.4

Reconsider collateral matters, motion to, 6.7

Second reading, after, 4.19

Special order, 4.3

Special order calendar, 4.17

### **Papers**

Chamber, delivery in, 10.1

Inspection by public, 1.48

Leaving, when absent, 1.22

Miscellaneous nature, of a, 4.11

Reading, 1.12

Secretary; duties re, 1.10, 1.48

Signature of president, 1.4

## **Business (Cont.)**

Quorum, necessity for

Committees, 2.17

Floor, 4.2

Unfinished business, 1.11, 4.3, 6.11

## **C**

**Cabinet officers, admission to chamber, 10.1**

## **Calendar**

Bills on committee agenda; publication in, 2.6

Bills on second reading, 4.19

Bills on third reading, 4.19

Companion measures, effect of recommitment, 3.11

Consent calendar, 4.17

Contents of, 1.11

Daily calendar, 1.11, 4.3

Distribution, 1.11, 4.3

Executive appointments and suspensions in executive session, 12.3

Filed bills, 3.8

House amendments to senate bills, reports, 1.18

Local bill calendar, 4.18

Local bills; reference to, 4.6

Notice of committee meeting, 1.11, 2.6, 2.8

Notice of meetings at which legislative business discussed, 1.45

Preparation, 1.11, 4.3

Secretary, 1.11, 4.3

Select committee meeting notices; publication, 2.6, 2.8

Special order calendar

Regular session, 4.17

Special session, 13.8

Standing committees and subcommittees, meeting notices; publication, 2.6, 2.8

## **Call to order**

Committee meetings, 2.21

Organization session, 1.9

Session, 1.2

# SENATE RULES INDEX

---

**Casting vote for another senator or by nonmember**  
Committees, 2.30  
Floor, 5.3

**Caucuses, political**  
Election of leaders, 1.1  
Notice, 1.45  
Open meeting requirement, 1.44, 1.45

**Censure**  
Ethics and conduct violations, 1.43  
Lobbying violations, 9.6

**Census data, access to, 1.47**

**Certification of passage of bills and other measures, 1.13**

**Chair, absence of president, 1.7**

**Chamber**  
Admission, generally, 10.1  
Attire, 10.4  
Conference matters, meetings re; restrictions, 2.19  
Control of, 1.3  
Discussions of legislative business on floor during a sitting, 1.44  
Lobbyists, admission of, 10.2  
Media, admission of, 10.3  
Nonmember voting for senator, exclusion, 5.3  
Senators; presence during a sitting, 1.20  
Special master, floor privilege, 12.12

**Change of vote**  
Committees, 2.28  
Floor, 5.2

**Children, families, and elder affairs committee, 2.1**

**Claim bills, 4.81**

**Closed sessions, 1.44, 12.1, 12.2**

**Co-introducer**  
Committee substitutes, 2.15  
Name on bill jacket, 3.1, 3.12  
Nonreturning senator, 3.12

**Coat of arms, 14.1**

**Coding indicators, 3.1**

**Collateral matters**  
Motion to indefinitely postpone; application to, 6.9  
Motion to reconsider; committees, 2.38  
Motion to reconsider; floor, 6.7

**Commemoration, resolutions of; adoption, 4.9**

**Commerce and tourism committee, 2.1**

**Commissions, nonlegislative; membership by senators, 1.26**

**Commit to a select subcommittee, motions to, 2.33**

**Committee administrative assistants**  
Amendments, duties re, 2.39  
Committee substitutes, duties re, 2.15  
Disclosure of conflict of interest, duties re, 1.39

**Committee bills**  
Appropriations bill; prerequisites to committee consideration, 3.9  
Backing for introduction, 3.1  
Generally, 2.15  
Introduction, 3.12  
Publication, 3.9

# SENATE RULES INDEX

## **Committee chairs**

- Absence of, assumption of duties in, 2.25, 2.26
- Addressing, 2.45
- Amendments
  - Preference in presentation, 7.1
  - Section or item, by; order of recognition, 2.42
- Appeals
  - Certification, 2.23
  - Debate, 2.23
  - Generally, 2.23
  - Interruptions of speaker, 2.47
- Appointment of, 2.20
- Authority of, 2.23
- Call to order, 2.21
- Committee bills, name on jacket, 3.1
- Death of, 2.26
- Decorum, authority re, 2.13, 2.22
- Exceptions to ruling, taking, 2.23
- Excused absences, granting, 2.27
- Explanation of vote; filing with, 2.31
- Incapacitation, 2.26
- Interruption of speaker, strict enforcement of rule re, 2.47
- Limitation of debate, apportionment of time, 2.50
- Meeting notices, 2.23, 13.3
- Meetings, duties re notice and bill agenda, 2.6
- Meetings of a majority of the chairs of standing committees, notice of, 1.45
- Motion to remove bill from committee or refer bill to different committee, approval, 4.10
- Motions, receiving and order, 2.33
- Motions, requests for written, 2.32
- Motions, stating or reading, 2.32
- Notices, approval, 2.23, 13.3
- Order, considering bill out of, 2.12
- Order, preservation of, 2.22
- Points of order
  - Chair; authority to decide, 2.23
  - Interruptions of speaker for, 2.47
  - Pending appeals, 2.23
  - Poll, matters reported by, 2.27
- Questions of order, 2.23
- Questions of parliamentary procedure, certification, 2.23
- Recognition of amendment sponsors, 2.39
- Recognition, power of, 2.46
- Removal, 1.5
- Reports, approval, 2.23
- Reports of standing subcommittees, special session; specifying time, 13.5

## **Committee chairs (Cont.)**

- Resignation, 2.26
- Select subcommittees, appointing, 2.1
- Speaking rights, determining, 2.48
- Subpoenas, approval of, 2.23
- Subpoenas and process, requesting, 2.2
- Successors, appointment, 2.26
- Temporary alternate, 2.25
- Verification of vote, ordering, 2.28
- Votes, declaring and recording, 2.28
- Voting by, 2.24

## **Committee on agriculture, 2.1**

## **Committee on appropriations**

- Appointment of, 2.1
- Appropriations bill; introduction by, 3.9
- Appropriations bill, reference, 4.6
- Appropriations bill, conflict of interest, exception, 1.39
- Proposed committee bill on appropriations; prerequisites to consideration, 3.9

## **Committee on banking and insurance, 2.1**

## **Committee on children, families, and elder affairs, 2.1**

## **Committee on commerce and tourism, 2.1**

## **Committee on communications, energy, and public utilities, 2.1**

## **Committee on community affairs**

- Appointment, 2.1
- Local governmental expenditures, bills requiring; reference to, 4.8
- Local governments' ability to raise revenues or share in state tax revenues, bills reducing; reference to, 4.8

## **Committee on criminal justice, 2.1**

## **Committee on education pre-k - 12, 2.1**

# SENATE RULES INDEX

## **Committee on environmental preservation and conservation, 2.1**

## **Committee on ethics and elections**

Appointment, 2.1

Confirmations

Confidentiality of work product, 12.4

Duties, 12.7

Oaths and affirmations, 12.13

Subpoenas and other process, 12.13

Suspensions

Amended order, 12.9(1)

Confidentiality of work product, 12.4

Criminal charge or court challenge pending; abeyance of investigation and proceedings, 12.9(2)

Duties, 12.7, 12.9

Evidence, disposition, 12.9(6)

Governor's bill of particulars, request for, 12.9(4)

Hearings and notice, 12.9(1), 12.9(3)

Instituting action, time limits, 12.9(1), 12.9(2)

Oaths and affirmations, 12.13

Prehearing conferences, 12.9(3)

Subpoenas and other process, 12.13

## **Committee on finance and tax, 2.1**

## **Committee on fiscal policy, 2.1**

## **Committee on governmental oversight and accountability**

Appointment, 2.1

State retirement system, bills affecting; reference to, 4.8

## **Committee on health policy, 2.1**

## **Committee on higher education, 2.1**

## **Committee on judiciary, 2.1**

## **Committee on military and veterans affairs, space, and domestic security, 2.1**

## **Committee on reapportionment, 2.1**

## **Committee on regulated industries, 2.1**

## **Committee on rules**

Advisory opinions

Lobbyists, to, 9.4

Lobbyists, to; compilation of, 9.5

Appeals; removal from committee, 1.5

Appointment, 2.1

Chair

Conduct and ethics, complaints against, 1.43

Consent calendar, 4.17

Duties re conduct and ethics complaints, 1.43

Local bill calendar, determining, 4.18

Reference of bill to a different committee or removal, 4.10

Special order calendar, duties re, 4.17, 13.8

Claim bills, 4.81

Conduct and ethics violations, 1.43

Consent calendar, 4.17

Contributions, certain; received during sessions, 1.361, 9.35

Disciplinary actions, investigations, 1.43

Disciplinary actions, recommendations, 1.361

Employee disputes, recommendations, 1.28

Executive matters; reference of reports to, 12.7

Lobbying violations, recommendations, 9.6

Local bill calendar, 4.18

Local bills; review, 4.6

Meetings after 50th day, 2.9

Motion to waive rule re bills or resolutions filed after final day for introduction, duties re, 3.7

Motion to waive rule requiring unanimous consent; reference to, 11.2

Reference of bill to a different committee or removal, 4.10

Registration, requirement for certain, 1.361

Senate rules, changes in, 11.3

Special master, conduct and ethics violations, 1.43

Veto message; reference to, 4.21

## **Committee on transportation, 2.1**

# SENATE RULES INDEX

## Committee substitutes

- Committee amendments, incorporation of, 2.44
- Copies, 3.9
- Favorable reports by one committee, effect, 4.7
- Proposed substitutes; filing and copies, 2.39
- Reference, changed or corrected by president, 4.7
- Standing committees, 2.15
- Standing subcommittees, 2.16
- Withdrawal, 6.10

## Committees, senate

- Agenda, bills on, 2.6, 2.12, 2.39
- Amend, motion to, 2.33
- Amendments
  - Amendments by previous committee, 2.44
  - Amendments to amendments, 2.40
  - Availability, 2.39
  - Consideration, prerequisites to, 2.39
  - Deadlines for filing, 2.39
  - Delete and insert, motion to; effect, 2.34
  - Deleting everything after enacting or resolving clause and inserting new language, effect, 2.41
  - Filing with committee administrative assistant, 2.39
  - Filing with secretary, 2.44
  - Form of an amendment, admitting proposition under, 2.39
  - Forms, 2.39
  - Germanity, 2.39, 2.41
  - House bills, to, 2.43
  - Item by item, 2.42
  - Manner of consideration, 2.39
  - Notice of, 2.39
  - Out of order, 2.40
  - Pending amendments, to, 2.40
  - Preference in presentation, 7.1
  - Reviser's bills, 7.1
  - Section by section, 2.42
  - Standing committees, 2.15
  - Standing subcommittees, 2.16
  - Substitute amendments, 2.40
- Appeals
  - Certification, 2.23
  - Debate, 2.23
  - Generally, 2.23
  - Interruptions of speaker, 2.47
- Appellations, 2.45
- Appointment, 1.5, 2.1, 2.19
- Attendance by introducer, 2.11

## Committees, senate (Cont.)

- Attendance of members, 2.27
- Bills introduced by
  - Appropriations bill; prerequisites to committee consideration, 3.9
  - Backing for introduction, 3.1
  - Generally, 2.15
  - Introduction, 3.12
  - Publication, 3.9
- Bills, order of consideration, 2.12
- Business
  - Expeditious consideration, 2.9
  - Questions of priority, debate, 2.51
- Certification of questions of parliamentary procedure, 2.23
- Chairs
  - Absence of, assumption of duties in, 2.25, 2.26
  - Addressing, 2.45
  - Amendments
    - Preference in presentation, 7.1
    - Section or item, by; order of recognition, 2.42
  - Appeals
    - Certification, 2.23
    - Debate, 2.23
    - Generally, 2.23
    - Interruptions of speaker, 2.47
  - Appointment of, 2.20
  - Authority of, 2.23
  - Call to order, 2.21
  - Committee bills, name on jacket, 3.1
  - Death of, 2.26
  - Decorum, authority re, 2.13, 2.22
  - Exceptions to ruling, taking, 2.23
  - Excused absences, granting, 2.27
  - Explanation of vote; filing with, 2.31
  - Incapacitation, 2.26
  - Interruption of speaker, strict enforcement of rule re, 2.47
  - Limitation of debate, apportionment of time, 2.50
  - Meeting notices, 2.23, 13.3
  - Meetings, duties re notice and bill agenda, 2.6
  - Meetings of a majority of the chairs of standing committees, notice of, 1.45
  - Motion to remove bill from committee or refer bill to different committee, approval, 4.10
  - Motions, receiving and order, 2.33
  - Motions, requests for written, 2.32
  - Motions, stating or reading, 2.32
  - Notices, approval, 2.23, 13.3
  - Order, considering bill out of, 2.12

## SENATE RULES INDEX

### Committees, senate (Cont.)

- Order, preservation of, 2.22
- Points of order
  - Chair; authority to decide, 2.23
  - Interruptions of speaker for, 2.47
  - Pending appeals, 2.23
  - Poll, matters reported by, 2.27
- Questions of order, 2.23
- Questions of parliamentary procedure, certification, 2.23
- Recognition of amendment sponsors, 2.39
- Recognition, power of, 2.46
- Removal, 1.5
- Reports, approval, 2.23
- Reports of standing subcommittees, special session; specifying time, 13.5
- Resignation, 2.26
- Select subcommittees, appointing, 2.1
- Speaking rights, determining, 2.48
- Subpoenas, approval of, 2.23
- Subpoenas and process, requesting, 2.2
- Successors, appointment, 2.26
- Temporary alternate, 2.25
- Verification of vote, ordering, 2.28
- Votes, declaring and recording, 2.28
- Voting by, 2.24
- Claim bills, report of special master, 4.81
- Collateral matters, motion to reconsider, 2.38
- Commit to a select committee, motion to; precedence, 6.2
- Commit to a select subcommittee, motion to, 2.33
- Committee bills
  - Appropriations bill; prerequisites to committee consideration, 3.9
  - Backing for introduction, 3.1
  - Generally, 2.15
  - Introduction, 3.12
  - Publication, 3.9
- Committee substitutes
  - Committee amendments, incorporation of, 2.44
  - Copies, 3.9
  - Favorable reports by one committee, effect, 4.7
  - Proposed substitutes; filing and copies, 2.39
  - Reference, changed or corrected by president, 4.7
  - Standing committees, 2.15
  - Standing subcommittees, 2.16
  - Withdrawal, 6.10
- Conference committees
  - Appointment or removal of senate members, 1.5, 2.19

### Committees, senate (Cont.)

- Chairs of senate and house conferees or subconferees, meetings between; notice, 2.19
- Conferees, meetings of a majority of; notice, 2.19
- Conference matters, meetings to discuss; place and notice, 2.19
- Final action, taking, 2.19
- Meetings, 2.19
- Motion that the senate insist and request, 7.9
- Motion to discharge and appoint or instruct senate conferees
  - Precedence, 6.2
  - Regular session, 2.19
  - Special session, 13.6
- Motion to request, 7.8
- Public access and notice, 1.46
- Regular session, 2.19
- Reports
  - Copies, availability, 4.5, 13.6
  - Messages, transmittal of, 6.8
  - Order of business, 4.5
  - Reading and action, 4.5
  - Requirements, 2.19
  - Special session, 13.6
- Consider bill out of order, motion to, 2.12
- Credentials committee, 1.24
- Debate
  - Address, manner of, 2.45
  - Appeals, 2.23
  - Bills reported favorably by standing subcommittees, 2.16
  - Consider bill out of regular order, motion to, 2.12
  - Interruptions of speaker, 2.47
  - Limit debate, motion to
    - Extension of limit, 2.50
    - Generally, 2.50
    - Precedence, 2.33
  - Motions, order of precedence, 2.33
  - Priority of business, questions re, 2.51
  - Reconsider, motion to, 2.37
  - Speaking limit, 2.49
  - Speaking rights, 2.48
  - Time allowed to close, 2.48
- Decorum
  - Appellations, 2.45
  - Avoiding personality, 2.45
  - Committee chairs, authority, 2.13, 2.22
  - Confining remarks to question under debate, 2.45
- Delete and insert, motion to, 2.34

## SENATE RULES INDEX

### Committees, senate (Cont.)

- Deleting everything after enacting or resolving clause and inserting new language, 2.41
- Disorderly conduct, 2.22
- Division of question, 2.34
- Duties, generally, 2.2
- Employees, assignment and supervision, 2.4
- Equal division of vote, 2.28
- Exclusion of nonmembers, 2.30
- Excused absence, 1.21
- Executive appointments and suspensions, reference, 12.7, 12.9
- Explanation of vote, 2.31
- Filed bills
  - Delivery to, 3.8
  - Nonreturning senator, by, 3.12
  - Reference by president between regular sessions, 3.8
- Fiscal notes, preparation, 3.13
- Hearings
  - Claim bills, 4.81
  - Conduct and ethics
    - Advisory opinions, 1.42
    - Violations, 1.43
  - Disciplinary actions, 1.43
  - Filed bills, 3.8
  - House amendments to senate bills, 1.18
  - Lobbying violations, 9.6
  - Local bills determined not to be local in nature, 4.6
  - Motion to waive rule re bills filed after final day for introduction, 3.7
  - Reports rejected by standing committees, 2.16
  - Suspension matters, 12.7, 12.9
- House amendments to senate bills, reference, 1.18
- House bills, amendments to, 2.43
- Interim work, 2.2
- Interruptions of speaker, 2.47
- Introduction by, 3.12
- Investigation of public agencies, authority, 2.2
- Joint committees, appointment of senate members, 1.5
- Joint select committees, appointment of senate members, 1.5
- Late vote requests, 2.28
- Limit debate, motion to
  - Extension of limit, 2.50
  - Generally, 2.50
  - Precedence, 2.33
- Lobbying
  - Registration requirement, 9.1

### Committees, senate (Cont.)

- Violations, duty to report, 9.7
  - Violators, prohibition from appearance, 9.6
  - Majority action, 2.27
  - Majority of membership, meetings of a;  
notice, 1.45
  - Meetings
    - After 50th day, 2.9
    - Attendance, excusing from, 1.21
    - Attendance by introducer, 2.11
    - Attendance by members, 2.27
    - Call to order, 2.21
    - Decorum, 2.13, 2.45
    - Discussions of legislative business among senators during, 1.44
    - During session, 2.10
    - Exemption from open meeting requirement
    - Meetings concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
  - House amendments to senate bills,  
hearings, 1.18
  - Notice
    - Delivery to secretary, 2.8
    - Generally, 1.46, 2.6
    - Hearings, 2.6
    - Publication in calendar, 1.11
    - Site visits, 2.6
  - Open meetings, 1.44, 1.46, 2.13
  - Order of business, 2.12
  - Place of meeting, 2.10
  - Public access and notice, 1.46
  - Scheduling, 2.10
  - Special session, schedule and notice, 13.3
- ### Members
- Amendments; obtaining copies in advance of meeting, 2.39
  - Appellations, 2.45
  - Appointment, 1.5, 2.1
  - Appropriations bill; obtaining copies in advance of meeting, 3.9
  - Attendance, 2.27
  - Chair duties, assignment to, 2.25
  - Change of vote requests, 2.28
  - Division of question, calls for, 2.34
  - Excused absence, 2.27
  - Explanation of vote, 2.31
  - Quorum, questioning existence of, 2.17
  - Removal; appeal, 1.5
  - Speaking limit, 2.49
  - Speaking rights, 2.48
  - Unregistered lobbyists, permitting, 9.7
  - Verification of vote, request for, 2.28
  - Vote, request to record, 2.15
  - Voting by, 2.27

## SENATE RULES INDEX

### Committees, senate (Cont.)

- Voting for another in committee, 2.30
- More than one reference, 4.7
- Motions
  - Amend, 2.33
  - Conference committee; taking final action, 2.19
  - Consider bill out of order, 2.12
  - Delete and insert, 2.34
  - Division of question, 2.34
  - Limit debate, 2.50
  - Making, 2.32
  - Oral, 2.32
  - Precedence, 2.33
  - Reconsider
    - Collateral matters, 2.38
    - Debate, 2.37
    - Generally, 2.35
    - Precedence, 2.33
    - Vote required, 2.36
    - Withdrawal, 2.32
  - Reject report of standing subcommittee, 2.16
  - Seconds, 2.32
  - Vote on, 2.32
  - Withdrawal of, 2.32
  - Written, 2.32
- Nonlegislative committees; membership by senators, 1.26
- Nonmember, voting by, 2.30
- Notices
  - Delivery to secretary, 2.8
  - Hearings, 2.6
  - Lack of proper notice, effect, 2.7
  - Public notice, 1.46, 2.6
  - Publication in calendar, 1.11
  - Regular session and interim, during, 2.6
  - Site visits, 2.6
  - Special session, during, 13.3
- Oaths and affirmations, 2.2
- Officers, 2.20
- Order of business
  - Generally, 2.12
  - Proceeding with, 2.21
  - Reconsider, motion to, 2.35
  - Reconsider collateral matters, motion to, 2.38
  - Reconsider instant, motion to, 2.35
- Order of recognition, 2.46
- Pairing prohibited, 2.29
- Papers, leaving in absence, 1.22
- Papers of miscellaneous nature; filing with, 4.11
- Parliamentary inquiries requiring immediate reply, 2.47

### Committees, senate (Cont.)

- Parliamentary procedure, certification of questions, 2.23
- Penalties, unexcused absences, 2.27
- Penalties, voting for another senator or by nonmember, 2.30
- Personnel, securing, 2.4
- Points of order
  - Chair; authority to decide, 2.23
  - Interruptions of speaker for, 2.47
  - Pending appeals, 2.23
  - Poll, matters reported by, 2.27
- Poll, matters reported by, 2.27
- Precedence of motions, 2.33
- Precedents, 2.23
- Priority of business, questions re, 2.51
- Proxy, voting by, 2.27
- Question of no quorum
  - Generally, 2.17
  - Interruptions for, 2.47
- Questioning vote, 2.28
- Questions, order of presenting, 2.33
- Questions of order
  - Chair; authority to decide, 2.23
  - Interruptions of speaker for, 2.47
  - Pending appeals, 2.23
  - Poll, matters reported by, 2.27
- Questions of privilege, interruptions for, 2.47
- Quorum, computation, 2.17
- Quorum, necessity for, 2.17
- Recess, motion to take, 2.33
- Recognition
  - Amendment by section or item; order, 2.42
  - Amendments, sponsors of, 2.39
  - Order of, 2.46
  - Requests for, 2.45
- Recommitment
  - Companion measures, effect on, 3.11
  - Report without proper notice, 2.7
  - Report without quorum of committee, 2.17
  - Standing committee report, after, 2.15
- Reconsider, motion to
  - Collateral matters, 2.38
  - Debate, 2.37
  - Generally, 2.35
  - Precedence, 2.33
  - Vote required, 2.36
  - Withdrawal, 2.32
- Reconsider instant, motion to, 2.35
- Records
  - Excused absence, 2.27
  - Explanation of vote, 2.31
  - Inspection of, 1.48
  - Votes, 2.15, 2.28

## SENATE RULES INDEX

### Committees, senate (Cont.)

- Reference
  - Executive appointments and suspensions, 12.7, 12.9
  - Filed bills, 3.8, 4.8, 4.81
  - Generally, 4.6
  - House amendments to senate bills, 1.18
  - More than one, 4.7
  - Motion re; order of business, 4.3
  - Resolutions, 4.9
- Reject report of standing subcommittee, motion to, 2.16
- Remove bill from, motion to, 4.10
- Reports
  - Bills recommitted for failure to provide proper notice, 2.7
  - Claim bills, 4.81
  - Committee on ethics and elections, 12.7, 12.9
  - Committee on rules
    - Changes in rules, 11.3
    - Executive matters, 12.7
    - Local bills, 4.6
    - Motion to waive rule re bills filed after final day for introduction, 3.7
  - Committee substitutes
    - Favorable report by one committee; effect, 4.7
    - Filing, 2.15
- Committees
  - Approval by chair, 2.23
  - Inspection, 1.48
  - Order of business, 4.3
  - Publication in calendar, 1.11
  - Special session, 13.5
  - Standing committees, 2.15
  - Standing subcommittees, 2.16
- Conduct and ethics violations, 1.43
- Conference committees
  - Copies, availability, 4.5, 13.6
  - Messages, transmittal, 6.8
  - Order of business, 4.5
  - Regular session
    - Deliberation and requirements, 2.19
    - Reading and action, 4.5
  - Special session, 13.6
- Credentials committee, 1.24
- Disposal of, 1.48
- Executive matters, 12.7
- Exemptions from public inspection, 1.48
- Filed bills
  - Generally, 3.8
  - Nonreturning senator, by, 3.12
- House amendments to senate bills, 1.18
- Inspection by public, 1.48

### Committees, senate (Cont.)

- Lobbying violations before committees, 9.7
- More than one reference; unfavorable report by one committee, effect, 4.7
- Rejected by standing committee, 2.16
- Select subcommittees, 2.1
- Special master
  - Claim bills, 4.81
  - Conduct and ethics violations, 1.43, 9.6
- Executive appointments, 12.7
- Executive suspensions
  - Floor privilege, 12.12
  - Generally, 12.7, 12.11
  - Lobbying violations, 9.6
- State agencies, reports to standing committees and subcommittees, 2.2
- Rise, motion to, 2.33
- Roll call
  - Deferring or explaining vote during, 2.31
  - Generally, 2.28
- Rooms
  - Control of, 2.22
  - Discussions of legislative business among senators during committee meetings, 1.44
- Select committees
  - Appointment, removal, 1.5, 2.1
  - Business, expeditious consideration of, 2.9
  - Meeting after 50th day, 2.9
  - Meetings, 2.10
  - Meetings concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
  - Motion to commit to; precedence, 6.2
  - Notice of meetings, 2.6, 2.8
  - Oaths and affirmations, 2.2
  - Officers, appointment of, 2.20
  - Records, public inspection, 1.48
  - Subpoenas and process, 2.2
  - Witnesses, 2.2
- Select subcommittees
  - Appointment, 2.1
  - Generally, 2.1
  - Meetings, 2.10
  - Meetings concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
  - Motion to commit to, 2.33
  - Notice of appointment and charge, 2.1
  - Records, public inspection, 1.48
  - Reference to, 4.6
- Showing of hands, 2.28
- Speaking
  - Address, manner of, 2.45

## SENATE RULES INDEX

### Committees, senate (Cont.)

- Appeals, 2.23
- Bills reported favorably by standing subcommittees, 2.16
- Consider bill out of regular order, motion to, 2.12
- Interruptions of speaker, 2.47
- Limit debate, motion to
  - Extension of limit, 2.50
  - Generally, 2.50
  - Precedence, 2.33
- Motions, order of precedence, 2.33
- Priority of business, questions re, 2.51
- Reconsider, motion to, 2.37
- Speaking limit, 2.49
- Speaking rights, 2.48
- Time allowed to close, 2.48
- Special session, reports, 13.5
- Staff, presenting committee bill at certain meetings, 2.11
- Staff reports, public inspection, 1.48
- Standing committees
  - Appointment, 1.5, 2.1
  - Fiscal notes, preparation, 3.13
  - Meetings
    - Exemption from open meeting requirement concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
    - Generally, 2.10
  - Motion to commit to; precedence, 6.2
  - Public access and notice, 1.46
  - Records and reports, inspection, 1.48
  - Removal from committee, 1.5
  - Reports, 1.48, 2.15
  - Resolutions; reference to, 4.9
  - Select subcommittees, appointment, 2.1
  - Standing subcommittee reports, certification, 2.16
  - Votes, recording, 2.15
- Standing subcommittees
  - Appointment, 1.5, 2.1
  - Meetings
    - Exemption from open meeting requirement concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
    - Generally, 2.10
  - Public access and notice, 1.46
  - Records and reports, inspection, 1.48
  - Removal from, 1.5
  - Reports, 2.16
  - Votes, recording, 2.16
- Subpoenas, approval of, 2.23
- Subpoenas and process, 2.2

### Committees, senate (Cont.)

- Substitute amendments, 2.40
- Substitute measures
  - Committee amendments, incorporation of, 2.44
  - Copies, 3.9
  - Favorable reports by one committee, effect, 4.7
  - Proposed substitutes; filing and copies, 2.39
  - Reference, changed or corrected by president, 4.7
  - Standing committees, 2.15
  - Standing subcommittees, 2.16
  - Withdrawal, 6.10
- Substitute motions, 2.33
- Temporarily postpone, motion to, 2.33
- Tie votes, 2.28
- Unregistered lobbyists, permitting, 9.7
- Verifications of vote, 2.28
- Vice chairs
  - Absence of chair, duties, 2.25
  - Amendments, preference in presentation, 7.1
  - Appointment, 2.20
  - Call to order, 2.21
  - Duties, generally, 2.26
  - Notice of meetings and bill agenda, duties re, 2.6
  - Removal, 1.5
  - Reports of standing committees, approval, 2.15
  - Reports of standing subcommittees, approval, 2.16
  - Voting by, 2.24
- Vote required
  - Action, generally, 2.27
  - Bills with favorable reports from standing subcommittees, additional testimony, 2.16
  - Certification of questions of parliamentary procedure, 2.23
  - Conference reports, 2.19
  - Consider bill out of regular order, 2.12
  - Limit debate
    - Extension of limit, 2.50
    - Motion to, 2.50
  - Majority action, 2.27
  - Reconsider, further motion to, 2.35
  - Reconsider, motion to, 2.36
  - Reconsider instant, motion to, 2.35
  - Reject report of standing subcommittee, motion to, 2.16
  - Request to vote or change vote, 2.28
  - Select subcommittee reports, action re, 2.1

# SENATE RULES INDEX

## **Committees, senate (Cont.)**

Speaking limit, motion to extend, 2.49

### **Voting**

Announcing the vote, 2.28

Another senator, voting for, 2.30

Chair, by, 2.24

Change of vote, 2.28

Declaring the vote, 2.28

Deferring or explaining vote, 2.31

Equal division, effect of, 2.28

Explanation of vote, 2.31

Late vote, 2.28

Nonmember, by, 2.30

Pairing prohibited, 2.29

Proxy, by, 2.27

Questioning a vote, 2.28

Record of votes, inspection, 1.48

Recording of votes, 2.15

Roll call, 2.28

Show of hands, questioning a vote, 2.28

Taking the vote, 2.28

Tie votes, 2.28

Verification of vote, 2.28

Vice chair, by, 2.24

Voice vote, reconsideration, 2.35

Yeas and nays, counting, 2.28

### **Withdrawal of bills from**

Committee substitutes, 4.10, 6.10

Filed bills, 3.8

Remove bill from committee, motion to, 4.10

Special session, 13.5

Withdrawal of motion, 2.32

Witnesses, 2.2

Yeas and nays, counting, 2.28

Yielding the floor, 2.49

## **Communications, energy, and public utilities committee, 2.1**

## **Community affairs committee**

Appointment, 2.1

Local governmental expenditures, bills requiring; reference to, 4.8

Local governments' ability to raise revenues or share in state tax revenues, bills reducing; reference to, 4.8

## **Companion measures**

Fiscal notes, 3.13

Generally, 3.11

Substitution of, 3.11

## **Competency of employees, disputes re, 1.28**

## **Complaints re conduct and ethics violations, 1.43, 1.48**

## **Concur in the house amendment, motions to, 7.8**

## **Concurrent resolutions**

Attestation of passage, 1.13

"Bill," "measure," "question," or "matter," inclusion, 11.6

Capitalization, 3.6

Copies, 3.9

Deleting everything after the resolving clause and inserting new language

Committees, 2.41

Floor, 7.4

Engrossing and enrolling, 1.10

Extending a legislative session, 4.9, 4.13

Form, 3.6

Generally, 4.13

Inspection by public, 1.48

Joint rules, 4.9, 4.13

Joint session, 4.9, 4.13

Order of business, origination, 11.3

Readings, 4.13

Recalling a bill from the governor, 4.9, 4.13

Recommitment upon report without quorum, 2.17

Reference, 4.9

Rules, changes in; origination, 11.3

Setting an effective date for a vetoed bill, 4.9, 4.13

Signing by president, 1.4, 4.20

Signing by secretary, 1.13, 4.20

Titles, 3.6

Transmittal, 1.10, 1.17

Vote required, 4.13

## **Condolence, resolutions of; adoption, 4.9**

## **Conduct and ethics**

Acceptance of anything to improperly influence, 1.36

Advisory opinions re, 1.42, 1.48

Complaints re violations, 1.43

Conflicts of interest, 1.38

Disclosure of certain contributions, 1.361

# SENATE RULES INDEX

## **Conduct and ethics (Cont.)**

- Disclosure of conflict of interest, 1.39
- Disqualification from voting
  - Committees, 1.20, 1.39, 2.27
  - Floor, 1.20, 1.39
- Employees, 1.41
- Enforcement of rules, questions of, 1.42
- Executive session, 12.6
- Improper influence, 1.36
- Interpretation of rules, questions of, 1.42
- Investigations, 1.43
- Lobbyists, 9.2, 9.35, 9.6, 9.8
- Lobbyists; advisory opinions re, 9.4
- Notice of meetings at which legislative business discussed, violations re, 1.49
- Open meeting violations, 1.49
- Penalties, 1.361, 1.43
- Personal conduct, 1.35
- Personal employment, conflicting, 1.37
- Personal interest, conflicting, 1.38
- Questions of privilege re, 8.11
- Solicitation or acceptance of certain contributions, 1.361
- Violations of; procedure, 1.43

## **Conference committees**

- Appointment or removal of senate members, 1.5, 2.19
- Chairs of senate and house conferees or subconferees, meetings between; notice, 2.19
- Conferees, meetings of a majority of; notice, 2.19
- Conference matters, meetings to discuss; place and notice, 2.19
- Final action, taking, 2.19
- Meetings, 2.19
- Motion that the senate insist and request, 7.9
- Motion to discharge and appoint or instruct senate conferees
  - Precedence, 6.2
  - Regular session, 2.19
  - Special session, 13.6
- Motion to request, 7.8
- Public access and notice, 1.46
- Regular session, 2.19
- Reports
  - Copies, availability, 4.5, 13.6
  - Messages, transmittal of, 6.8
  - Order of business, 4.5
  - Reading and action, 4.5
  - Requirements, 2.19
- Special session, 13.6

## **Confidentiality**

- Executive matters, reports of special master or committee, 12.7
- Executive sessions
  - Generally, 12.4
  - Penalties for violation, 12.6
- Legislative records exempted by law, 1.48
- Meetings concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44

## **Confirmations**

- Committee on ethics and elections
  - Confidentiality of work product, 12.4
  - Duties, 12.7
  - Oaths and affirmations, 12.13
  - Subpoenas and other process, 12.13
- Confidentiality, 1.48, 12.4
- Documentation re specified appointments to be returned, 12.7
- Executive sessions; consideration of, 12.2
- Motion to reconsider vote, 6.4
- Procedure, 12.7
- Reference of executive appointments, 12.7
- Vote, confidentiality of, 12.4
- Vote required to consider executive appointments in executive session, 12.3

## **Conflicts of interest**

- Disclosure, 1.20, 1.39
- Disqualification from voting re
  - Committees, 1.20, 1.39, 2.27
  - Floor, 1.20, 1.39
- Employees, 1.41
- Personal employment, 1.37
- Questioning decision not to abstain from voting, 8.8
- Use of influence, 1.38

## **Congressional redistricting plans; data and information, access by members, 1.47**

## **Consent calendar, 4.17**

## **Consideration**

- Amendments, 7.1
- Appropriations bill; prerequisites to committee consideration, 3.9
- Claim bills, 4.81

## SENATE RULES INDEX

### Consideration (Cont.)

- Committees
  - Amendments; prerequisites to consideration by, 2.39
  - Bills; notice requirement for consideration, 2.6
  - Time for reports; special session, 13.5
- Companion measures, 3.11
- Concurrent resolution, joint rules, 4.9, 4.13
- Concurrent resolution recalling bill from governor, 4.9, 4.13
- Concurrent resolution, session extension, 4.9, 4.13
- Concurrent resolution setting an effective date for a vetoed bill, 4.9, 4.13
- Consent calendar, bills on, 4.17
- Final day for introduction, bills filed after; waiver of rules for, 3.7
- General calendar of bills on second or third reading, 4.19
- Local bills, 4.18
- Out of regular order, 4.16
- Resolutions of condolence or commemoration, 4.9
- Second reading, bills on; order of business, 4.3
- Special order calendar, bills on
  - Regular session, 4.17
  - Special session, 13.8
- Third reading, bills on; order of business, 4.3

### Construction of rules

- “Bill,” “measure,” “question,” or “matter,” construction, 11.6
- Changes in; generally, 11.3
- Clarification, obtaining, 8.7
- Conduct and ethics rules
  - Acceptance of anything to improperly influence, 1.36
  - Advisory opinions re, 1.42, 1.48
  - Complaints re violations, 1.43
  - Conflicts of interest, 1.38
  - Disclosure of certain contributions, 1.361
  - Disclosure of conflict of interest, 1.39
  - Disqualification from voting
    - Committees, 1.20, 1.39, 2.27
    - Floor, 1.20, 1.39
  - Employees, 1.41
  - Enforcement of rules, questions of, 1.42
  - Executive session, 12.6
  - Improper influence, 1.36
  - Interpretation of rules, questions of, 1.42
  - Investigations, 1.43

### Construction of rules (Cont.)

- Lobbyists, 9.2, 9.35, 9.6, 9.8
- Lobbyists; advisory opinions re, 9.4
- Notice of meetings at which legislative business discussed, violations re, 1.49
- Open meeting violations, 1.49
- Penalties, 1.361, 1.43
- Personal conduct, 1.35
- Personal employment, conflicting, 1.37
- Personal interest, conflicting, 1.38
- Questions of privilege re, 8.11
- Solicitation or acceptance of certain contributions, 1.361
- Violations of; procedure, 1.43
- Executive suspensions; conflicts between rule 12 and statute, 12.14
- Interpretation, 11.1
- Interruption of speaker, strict enforcement of rule, 2.47, 8.3
- Lobbyists, advisory opinions re interpretation, 9.4
- Local bill calendar, determining, 4.18
- Local bills; reference to, 4.6
- Lobbying violations, recommendations, 9.6
- Notice of meetings; conflict in, 1.46
- Notices of meeting at which legislative business discussed, violations re, 1.49
- Observance of, requiring, 8.7
- Open meeting violations, 1.49
- Parliamentary inquiries
  - Definition, 8.7
  - Interruption of speaker for
    - Committees, 2.47
    - Floor, 8.3
- Penalties for violations
  - Absence from a sitting, 4.2
  - Censure of senator, 1.43
  - Committee meetings, unexcused absence, 2.27
  - Conduct and ethics, violations, 1.43
- Employees
  - Absence without permission, 1.31
  - Lobbying by, 1.29
  - Termination, 1.28
- Executive session, confidentiality of; violations, 12.6
- Expulsion of senator, 1.43
- Lobbying violations, 9.6
- Notice of meetings at which legislative business discussed, violations re, 1.49
- Open meeting violations, 1.49
- Reprimand of senator, 1.43
- Voting for another senator or by nonmember
  - Committees, 2.30

# SENATE RULES INDEX

## **Construction of rules (Cont.)**

- Floor, 5.3
  - Points of order
    - Appeals
      - Chair, decisions of committee
        - Certification, 2.23
        - Debate, 2.23
        - Generally, 2.23
      - Interruptions of speaker, 2.47
    - President, decisions of
      - Committee removal, 1.5
      - Generally, 1.4
      - Points of order certified by committees, 2.23
    - Presiding officer, decisions of
      - Debate, 8.10
      - Generally, 8.9
      - Interruptions of speaker, 8.3
    - Removal from committee, 1.5
    - Secretary; decisions at organization session, 1.9
  - Committees
    - Chair; authority to decide, 2.23
    - Interruptions of speaker for, 2.47
    - Pending appeals, 2.23
    - Poll, matters reported by, 2.27
  - Definition, 8.7
  - Economic impact statement, absence of, 3.13
  - Fiscal note, absence of, 3.13
  - Interruptions of speaker for, 8.3
  - Organization session, 1.9
  - Pending appeals, 8.9
  - President; authority to decide, 1.4
  - Questioning decision not to abstain from voting re interest, 8.8
  - Recommitment for lack of proper notice, 2.7
  - Secretary; authority to decide, organization session, 1.9
  - Withdrawal of bills from committee, special session, 13.5
- Predetermination, obtaining, 8.7
- Public access to meetings and gatherings; conflict in, 1.46
- Select subcommittees, regulating, 2.1
- Singular number, construction, 11.6
- Special session, 13.1
- Suspension of, 11.2
- “Two-thirds vote,” etc., construction, 11.5
- Vote required for action, construction, 11.4
- Waiver of, 11.2

## **Contest of seat, 1.24**

## **Contracts binding the senate, signature of president, 1.4**

## **Contributions**

- During session, 9.35
- Solicitation or acceptance of certain, 1.361

## **Convening**

- Hour of, 1.2
- Hour of, schedule, 4.1

## **Co-sponsor**

- Committee substitutes, 2.15
- Name on bill jacket, 3.1, 3.12
- Nonreturning senator, 3.12

## **Corridors, control of, 1.3**

## **Counties; bills requiring them to make expenditures or reducing their ability to raise revenues or share in state tax revenues, reference, 4.8**

## **Credentials committee, 1.24**

## **Criminal and civil justice subcommittee, 2.1**

## **Criminal justice committee, 2.1**

## **D**

## **Daily calendar**

- Bills on committee agenda; publication in, 2.6
- Bills on second reading, 4.19
- Bills on third reading, 4.19
- Companion measures, effect of recommitment, 3.11
- Consent calendar, 4.17
- Contents of, 1.11
- Daily calendar, 1.11, 4.3

# SENATE RULES INDEX

## Daily calendar (Cont.)

- Distribution, 1.11, 4.3
- Executive appointments and suspensions in executive session, 12.3
- Filed bills, 3.8
- Local bill calendar, 4.18
- Local bills; reference to, 4.6
- Notice of committee meeting, 1.11, 2.6, 2.8
- Notice of meetings at which legislative business discussed, 1.45
- Preparation, 1.11, 4.3
- Secretary, 1.11, 4.3
- Select committee meeting notices; publication, 2.6, 2.8
- Special order calendar
  - Regular session, 4.17
  - Special session, 13.8
- Standing committees and subcommittees, meeting notices; publication, 2.6, 2.8

## Daily journal

- Advisory opinions, 9.4
- Amendments, 7.6
- Bill titles, 4.3
- Change of vote, 5.2
- Correction and approval, 4.3
- Daily journal, 1.10
- Disclosure of interest reports, 1.39
- Distribution, 1.10
- Enrolled bills, signing of, 4.20
- Excused absences, 1.21
- Executive appointments, return of certain documentation, 12.8
- Executive sessions
  - Secretary; duties re, 1.10
  - Separate journal, 1.10, 12.5
- Explanation of vote, 5.5
- Filed bills, committee references and reports, 3.8
- First reading of bills, 4.3
- Late votes, 5.2
- Lobbyists, advisory opinions to, 9.4
- Numbering, 1.10
- Papers of miscellaneous nature, 4.11
- Precedents, 2.23
- President's decisions re certified appeals, 2.23
- Records, public inspection, 1.48
- Secretary; duties re, 1.10
- Spread remarks, 4.11
- Standing committee reports, 2.15
- Titles to bills, 4.3
- Voting records, 5.1

## Daily order of business

- Calendar, publication in, 1.11
- Committees
  - Generally, 2.12
  - Proceeding with agenda, 2.21
  - Reconsider, motion to, 2.35
  - Reconsider collateral matters, motion to, 2.38
  - Reconsider instanter, motion to, 2.35
- Conference committee reports, 4.5
- Consent calendar, 4.17
- Consideration of bill out of regular order, 4.16
- Daily order of business, 4.3
- House amendments to senate bills, reports, 1.18
- House messages; withholding from, 4.3
- Local bill calendar, 4.18
- Proceeding with, 1.2
- Reconsider, motion to, 6.4
- Reconsider collateral matters, motion to, 6.7
- Reports re, 11.3
- Second reading, after, 4.19
- Special order, 4.3
- Special order calendar, 4.17

## Debate

- Address, manner of, 8.1
- Amendments to title or corrective amendments, 7.2
- Appeals from decisions of
  - Committee chair, 2.23
  - Presiding officer, 8.10
  - Presiding officer during debate, 8.9
- Committee debate
  - Address, manner of, 2.45
  - Appeals, 2.23
  - Bills reported favorably by standing subcommittees, 2.16
  - Consider bill out of regular order, motion to, 2.12
  - Interruptions of speaker, 2.47
  - Limit debate, motion to
    - Extension of limit, 2.50
    - Generally, 2.50
    - Precedence, 2.33
  - Motions, order of precedence, 2.33
  - Priority of business, questions re, 2.51
  - Reconsider, motion to, 2.37
  - Speaking limit, 2.49
  - Speaking rights, 2.48
  - Time allowed to close, 2.48

# SENATE RULES INDEX

## **Debate (Cont.)**

Consider bill out of regular order, motion to, 4.16

### **Decorum**

Appellations, 8.1

Avoiding personality, 8.1

### **Committees**

Appellations, 2.45

Avoiding personality, 2.45

Committee chairs, authority, 2.13, 2.22

Confining remarks to question under debate, 2.45

Conference committee meetings, 2.19

Confining remarks to question under debate, 8.1

Employees, disputes re, 1.28

Meetings at which legislative business discussed, 1.44

Organization session, 1.9

President; authority re, 1.3

Interruptions of speaker, 8.3

Limit debate, motion to

Generally, 8.6

Precedence, 6.2

Motions, order of precedence, 6.2

Questions of privilege during, 8.11

### **Recognition**

Amendment by section or item; order, 7.5

Amendments, sponsors of, 7.1

### **Committees**

Amendment by section or item; order, 2.42

Amendments, sponsors of, 2.39

Order of, 2.46

Requests for, 2.45

Order of, 8.2

Requests for, 8.1

Reconsider, motion to, 6.6

Speaking limit, 8.5

Speaking rights, 8.4

Time allowed to close, 8.4

Waive a rule, motion to, 11.2

## **Decision not to abstain from voting, questioning, 8.8**

## **Decorum**

Appellations, 8.1

Avoiding personality, 8.1

### **Committees**

Appellations, 2.45

Avoiding personality, 2.45

## **Decorum (Cont.)**

Committee chairs, authority, 2.13, 2.22

Confining remarks to question under debate, 2.45

Conference committee meetings, 2.19

Confining remarks to question under debate, 8.1

Employees, disputes re, 1.28

Meetings at which legislative business discussed, 1.44

Organization session, 1.9

President; authority re, 1.3

## **Defenses in suspension matters, filing, 12.9(3), 12.9(4)**

## **Delete and insert, motions to**

Committees, 2.34

Floor, 6.3

## **Deleting everything after enacting or resolving clause and inserting new language, effect**

Committees, 2.41

Floor, 7.4

## **Dignity of senate, questions of privilege re, 8.11**

## **Discharge senate conferees and appoint new conferees, motions to**

Precedence, 6.2

Regular session, 2.19

Special session, 13.6

## **Disciplinary actions against senators, 1.361, 1.43, 2.30, 5.3, 12.6**

## **Disclosure required re certain contributions, 1.361**

## **Disclosures of interest, 1.39**

# SENATE RULES INDEX

## Discussions

- Conference matters re, 2.19
- Legislative business, re
  - Notice requirement, 1.45
  - Open meeting requirement, 1.44
  - Publication of notice, 1.11
  - Violations, 1.49
- Meetings concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44

## Disturbances

- Committee rooms, in, 2.22
- President; authority re, 1.3

## Division of question

- Committees, 2.34
- Floor, 6.3

## E

### Economic impact statements, 3.13

### Education pre-k - 12 committee, 2.1

### Education subcommittee, 2.1

### Election of the secretary, 1.8

## Elections

- By ballot, 5.6
- Minority leader, 1.1
- Minority leader pro tempore, 1.1
- President, 1.1, 1.7
- President designate, 1.1
- President pro tempore, 1.1
- President pro tempore designate, 1.1
- Secretary, 1.8

### Electronic roll call system, 5.1

## Employees

- Absence without permission, 1.31
- Aides, hours of duty, 1.30
- Assignment and supervision, 2.4
- Chamber, admission to, 10.1
- Committee administrative assistants, 1.39, 2.15, 2.39
- Committees, 2.4, 2.11
- Compensation, forfeiture, 1.31
- Conflicts of interest, 1.41
- Dismissal for lobbying, 1.29
- Disputes involving, 1.28
- Duties, 1.30
- Hours of duty, 1.30
- Joint utilization with house, 2.4
- Lobbying by, 1.29
- Part-time; hours of employment, 1.30
- Political activities, 1.32
- Records, public inspection, 1.48
- Relatives of senators, 1.28
- Secretary, staff of, 1.8
- Spouses of senators, 1.28
- Staff, presenting committee bill at certain meetings, 2.11
- Termination
  - Absence without permission, for, 1.31
  - By president, 1.28

## Enacting clause

- Deleting everything after and inserting new language, effect
  - Committees, 2.41
  - Floor, 7.4
- Form, 3.1

## Engrossing

- Clerk, 1.8
- Second reading, after, 4.19
- Secretary, 1.8, 1.10

## Enrolled bills; signing, 4.20

## Enrolling

- Clerk, 1.8
- Secretary, 1.8, 1.10, 4.20

## Environmental preservation and conservation committee, 2.1

# SENATE RULES INDEX

**Equitable claim bills, reference, 4.81**

## **Ethics**

- Acceptance of anything to improperly influence, 1.36
- Advisory opinions re, 1.42, 1.48
- Complaints re violations, 1.43
- Conflicts of interest, 1.38
- Disclosure of certain contributions, 1.361
- Disclosure of conflict of interest, 1.39
- Disqualification from voting
  - Committees, 1.20, 1.39, 2.27
  - Floor, 1.20, 1.39
- Employees, 1.41
- Enforcement of rules, questions of, 1.42
- Executive session, 12.6
- Improper influence, 1.36
- Interpretation of rules, questions of, 1.42
- Investigations, 1.43
- Lobbyists, 9.2, 9.35, 9.6, 9.8
- Lobbyists; advisory opinions re, 9.4
- Notice of meetings at which legislative business discussed, violations re, 1.49
- Open meeting violations, 1.49
- Penalties, 1.361, 1.43
- Personal conduct, 1.35
- Personal employment, conflicting, 1.37
- Personal interest, conflicting, 1.38
- Questions of privilege re, 8.11
- Solicitation or acceptance of certain contributions, 1.361
- Training, 1.40
- Violations of; procedure, 1.43

## **Ethics and elections committee**

- Appointment, 2.1
- Confirmations
  - Confidentiality of work product, 12.4
  - Duties, 12.7
  - Oaths and affirmations, 12.13
  - Subpoenas and other process, 12.13
- Suspensions
  - Amended order, 12.9(1)
  - Confidentiality of work product, 12.4
  - Criminal charge or court challenge pending; abeyance of investigation and proceedings, 12.9(2)
  - Duties, 12.7, 12.9
  - Evidence, disposition, 12.9(6)
  - Governor's bill of particulars, request for, 12.9(4)
  - Hearings and notice, 12.9(1), 12.9(3)

## **Ethics and elections committee (Cont.)**

- Instituting action, time limits, 12.9(1), 12.9(2)
- Oaths and affirmations, 12.13
- Prehearing conferences, 12.9(3)
- Subpoenas and other process, 12.13

## **Evidence**

- Compelling production; committees, 2.2
- Suspension hearings, 12.9(1), 12.9(3)
- Suspension matters; recovery and disposition, 12.9(6)

**Excess judgment claim bills, reference, 4.81**

## **Exclusion**

- Chamber, 5.3
- Committee, 2.30

**Excused absence of senator, 1.20, 1.21, 1.23**

## **Executive appointments**

- Committee on ethics and elections
  - Appointment, 2.1
  - Confirmations
    - Confidentiality of work product, 12.4
    - Duties, 12.7
    - Oaths and affirmations, 12.13
    - Subpoenas and other process, 12.13
  - Confidentiality, 1.48, 12.4
  - Documentation re specified appointments to be returned, 12.8
  - Executive sessions; consideration of, 12.2
  - Motion to reconsider vote, 6.4
  - Procedure, 12.7, 12.8
  - Reference of executive appointments, 12.7
  - Vote, confidentiality of, 12.4
  - Vote required to consider executive appointments in executive session, 12.3

## **Executive communications, order of business, 4.3**

## **Executive sessions**

- Appointments, consideration, 12.2
- Attendance, 12.2
- Authority, 12.1

# SENATE RULES INDEX

## **Executive sessions (Cont.)**

- Confidentiality
  - Generally, 1.48, 12.4
  - Violation of rule, 12.6
- Journal, secretary's duties re, 1.10, 12.5
- Journal, separate, 1.10, 12.5
- Motion to proceed to consideration of executive business, precedence, 6.2
- Penalties, violation of confidentiality, 12.6
- Records, public inspection, 1.48
- Removals, 12.2
- Reports, 12.7
- Resolving into, 12.2
- Secretary; duties re, 12.2
- Suspensions, consideration, 12.2
- Vote required to consider appointments or suspensions in, 12.3

## **Executive suspensions**

- Abeance of investigation and proceedings, 12.9(2)
- Action by senate, 12.9(5)
- Amended suspension order, 12.9(1)
- Committee on ethics and elections
  - Suspensions
    - Amended order, 12.9(1)
    - Confidentiality of work product, 12.4
    - Criminal charge or court challenge pending; abeyance of investigation and proceedings, 12.9(2)
    - Duties, 12.7, 12.9
    - Evidence, disposition, 12.9(6)
    - Governor's bill of particulars, request for, 12.9(4)
    - Hearings and notice, 12.9(1), 12.9(3)
    - Instituting action, time limits, 12.9(1), 12.9(2)
    - Oaths and affirmations, 12.13
    - Prehearing conferences, 12.9(3)
    - Subpoenas and other process, 12.13
- Confidentiality of proceedings, 1.48, 12.4
- Criminal charge or court challenge pending; abeyance of investigation and proceedings, 12.9(2)
- Defenses, filing, 12.9(3), 12.9(4)
- Evidence; recovery and disposition, 12.9(6)
- Executive sessions; consideration of, 12.2
- Finding of commission of felony, 12.10
- Governor's bill of particulars, 12.9(4)
- Hearings, 12.9(1), 12.9(3)
- Institution of action, time limits, 12.9(1), 12.9(2)
- Motion to reconsider vote, 6.4

## **Executive suspensions (Cont.)**

- Notice of hearings, 12.9(1)
- Precedence; conflicts between rule 12 and statute, 12.14
- Prehearing conferences
  - Generally, 12.9(3)
  - Notice, giving, 12.9(1)
  - Notice, time limits, 12.9(1), 12.9(2)
- Procedure, generally, 12.7, 12.9
- Reference, 12.7
- Special master, duties and reports, 12.11, 12.12
- Suspension order, amended, 12.9(1)
- Vote, confidentiality of, 12.4
- Vote required to consider, in executive session, 12.3

## **Expenditures of state or local governments, bills affecting, 3.13, 4.8**

## **Expenses**

- Authorizations of payment; signature required, 1.4
- Committee personnel, joint utilization with house, 2.4
- Legal services, 1.4
- Nonlegislative memberships re, 1.26
- Records, public inspection, 1.48
- Requisitions, 1.4
- Senators, 1.25
- Travel and per diem, authority, 1.4
- Vouchers, approval, 1.4

## **Explanation of vote**

- Committees, 2.31
- Floor, 5.5

## **Expulsion of senator, 1.43**

## **Extended sessions**

- Additional proposals, vote required to consider, 11.5
- Conference committee report, reading, 4.5
- Motion to indefinitely postpone during session, effect, 6.9
- Special order calendar, 4.17
- Transmittal of bills during, 6.8

# SENATE RULES INDEX

## F

**Facilities for senators,** 1.25

### **Filed bills**

- Generally, 3.8
- Introduction after final day for filing, 3.7
- Introduction by nonreturning senator, 3.12
- Reference, 4.6

**Finance and tax committee,** 2.1

**First reading,** 4.3

**Fiscal liabilities of state or local governments, bills affecting,** 3.13, 4.8

**Fiscal notes,** 3.13

**Fiscal policy committee,** 2.1

**Fiscal records, inspection,** 1.48

### **Floor**

- Admission, generally, 10.1
- Attire, 10.4
- Conference matters, meetings re; restrictions, 2.19
- Control of, 1.3
- Discussions of legislative business on floor during session, 1.44
- Lobbyists, admission of, 10.2
- Media, admission of, 10.3
- Nonmember voting for senator, exclusion, 5.3
- Senators; presence during a sitting, 1.20
- Special master, floor privilege, 12.12

**Food, in gallery,** 10.5

### **Form of an amendment, admitting propositions under**

- Committees, 2.39
- Floor, 7.1

## Forms

- Amendment, 7.1
- Amendment, committee, 2.39
- Bill, 3.1
- Concurrent resolution, 3.6
- Joint resolution, 3.4
- Local bill; proof of publication affidavit, 3.3
- Memorial, 3.5
- Preparation by, 1.14
- Resolution, 3.6
- Secretary; duties re, 1.14
- Senate resolution, 3.6
- Standing subcommittee report, 2.16

**Frequently asked questions re lobbying,** 9.8

## G

### **Gallery**

- Attire, 10.4
- Food or beverages, 10.5
- Section reserved for families of senators, 10.1
- Visitors, 10.4

**Gatherings, prearranged; public access,** 1.46

### **General appropriations bill**

- Amendments to; printing in journal, 7.6
- Calendar, placement on, 4.6
- Conference, posting notice of, 2.19
- Conflict of interest, exception, 1.39
- Introduction, 3.9
- Proposed committee bill, obtaining copies in advance of meeting, 3.9

**General government subcommittee,** 2.1

### **Germanity of amendments**

- Committees, 2.39
- Deleting everything after enacting or resolving clause and inserting new language
- Committees, 2.41
- Floor, 7.4
- Floor, 7.1

# SENATE RULES INDEX

## **Governmental oversight and accountability committee**

- Appointment, 2.1
- Retirement system, state; bills affecting; reference to, 4.8

## **Governor**

- Admission to chamber, 10.1
- Executive appointments
  - Committee on ethics and elections
  - Confidentiality of work product, 12.4
  - Duties, 12.7
  - Oaths and affirmations, 12.13
  - Subpoenas and other process, 12.13
- Confidentiality, 1.48, 12.4
- Documentation re specified appointments to be returned, 12.8
- Executive sessions; consideration of, 12.2
- Motion to reconsider vote, 6.4
- Procedure, 12.7, 12.8
- Reference of executive appointments, 12.7
- Vote, confidentiality of, 12.4
- Vote required to consider executive appointments in executive session, 12.3
- Meetings of president with; notice, 1.45
- Meetings of president with governor and speaker re conference matters, notice of, 2.19
- Messages from
  - Order of business, 4.3
  - Public inspection, 1.48
- Preranged gatherings with; public access, 1.46
- Recalling bill from, 4.9
- Request for return of documentation re certain appointments, 12.8
- Suspensions
  - Abeance of investigation and proceedings, 12.9(2)
  - Action by senate, 12.9(5)
  - Amended suspension order, 12.9(1)
  - Committee on ethics and elections
  - Suspensions
    - Amended order, 12.9(1)
    - Confidentiality of work product, 12.4
    - Criminal charge or court challenge pending; abeyance of investigation and proceedings, 12.9(2)
    - Duties, 12.7, 12.9
    - Evidence, disposition, 12.9(6)
    - Governor's bill of particulars, request for, 12.9(4)
    - Hearings and notice, 12.9(1), 12.9(3)

## **Governor (Cont.)**

- Instituting action, time limits, 12.9(1), 12.9(2)
- Oaths and affirmations, 12.13
- Prehearing conferences, 12.9(3)
- Subpoenas and other process, 12.13
- Confidentiality of proceedings, 1.48, 12.4
- Criminal charge or court challenge pending; abeyance of investigation and proceedings, 12.9(2)
- Defenses, filing, 12.9(3), 12.9(4)
- Evidence; recovery and disposition, 12.9(6)
- Executive sessions; consideration of, 12.2
- Finding of commission of felony, 12.10
- Governor's bill of particulars, 12.9(4)
- Hearings, 12.9(1), 12.9(3)
- Institution of action, time limits, 12.9(1), 12.9(2)
- Motion to reconsider vote, 6.4
- Notice of hearings, 12.9(1)
- Precedence; conflicts between rule 12 and statute, 12.14
- Prehearing conferences
  - Generally, 12.9(3)
  - Notice, giving, 12.9(1)
  - Notice, time limits, 12.9(1), 12.9(2)
- Procedure, generally, 12.7, 12.9
- Reference, 12.7
- Special master, duties and reports, 12.11, 12.12
- Suspension order, amended, 12.9(1)
- Vote, confidentiality of, 12.4
- Vote required to consider, in executive session, 12.3
- Veto messages, reconsideration, 6.4

## **Guests**

- Admission to floor, 10.1

## **H**

### **Health and human services subcommittee, 2.1**

### **Health policy committee, 2.1**

# SENATE RULES INDEX

---

## Hearings

- Claim bills, 4.81
- Conduct and ethics
  - Advisory opinions, 1.42
  - Violations, 1.43
- Disciplinary actions, 1.43
- Filed bills, 3.8
- House amendments to senate bills, 1.18
- Lobbying violations, 9.6
- Local bills determined not to be local in nature, 4.6
- Motion to waive rule re bills filed after final day for introduction, 3.7
- Notice, 2.6
- Reports rejected by standing committees, 2.16
- Suspension matters, 12.9

## Higher education committee, 2.1

## House, joint staffing of committees with, 2.4

## House, messages from

- Inspection by public, 1.48
- Order of business, 4.3
- Rules chair; duties re, 1.18
- Take up, president's authority to, 4.3
- Withholding from order, 4.3

## House, messages to, 1.17

## House, transmittal of measures to, 1.17

## House amendments to senate bills

- Hearings, 1.18
- Messages re senate action, transmittal of, 6.8
- Motions re, 7.8
- Reference, 1.18
- Reports, 1.18
- Rules chair; duties re, 1.18
- Summaries, 1.18

## House bills

- Amendments to; committees, 2.43
- Amendments to; floor, 7.7

## House companions

- Fiscal notes, 3.13
- Substitution, 3.11

## House members

- Admission to floor, 10.1
- Conference committee, 2.19
- Meetings with senators, open, 1.46
- Representing introducer at committee meeting, 2.11

## House refusal to concur in senate amendment, motions re, 7.9

## House speaker

- Meetings of president with; notice, 1.45
- Meetings of president with speaker and governor re conference matters, notice of, 2.19
- Meetings of senate conferees with; notice, 2.19
- Prearranged gatherings with; public access, 1.46

## I

## Identification of bills, 3.7, 3.10

## Indexes, 1.16

## Insignia, 14.1

## Inspection of records, 1.48

## Instruct conferees, motions to

- Precedence, 2.19, 6.2
- Regular session, 2.19
- Special session, 13.6

## Integrity of senate, questions of privilege re, 8.11

# SENATE RULES INDEX

## **Interpretation of rules**

- Generally, 11.1
- Lobbyists, for, 9.4

## **Interruptions of speaker**

- Committees, 2.47
- Floor, 8.3

## **Intradistrict allotment expenditure records, inspection, 1.48**

## **Introducer**

- Bill jacket, name on, 3.1, 3.12
- Committee meetings
  - Attendance, 2.11
  - Considering bill out of order for, 2.12
  - Debate, time allowed to close, 2.48
  - Motion to limit debate, rights re, 2.50
- Committee substitutes, 2.15, 4.7
- Constitutionality and legal correctness, responsibility for, 1.15
- Debate, time allowed to close, 8.4
- Delivery for introduction, 3.7
- Index by, 1.16
- Motion to limit debate, rights re, 8.6
- Name on bill jacket, 3.1, 3.12
- Nonreturning senator, 3.12
- Reference, recommendations re, 4.6

## **Introduction**

- Appropriations bill, 3.9
- Bills, 3.2
- Co-introduction, 3.12
- Committee bills, 2.15, 2.16
- Concurrent resolution, form requirements, 3.6
- During regular session, 3.7
- Examination upon tender for, 1.15
- Filed bills
  - Generally, 3.8
  - Nonreturning senator, by, 3.12
- Final day for, 3.7
- Joint resolution, form requirements, 3.4
- Local bill, requirements, 3.3
- Memorial, form requirements, 3.5
- Name on bill jacket, 3.12
- Order of receipt, 3.10
- Resolutions, form requirements, 3.6
- Special session, delivery for, 13.4

## **Investigation of executive matters, 12.7, 12.9(2)**

## **Investigation of public agencies, 2.2**

## **J**

## **Jackets**

- Bills and other measures, 3.1
- House bills; notation of senate amendments, 7.7
- Local bills; proof of publication attached, 3.3

## **Joint committees, appointment of senate members, 1.5**

## **Joint resolutions**

- Attestation of passage, 1.13
- “Bill,” “measure,” “question,” or “matter,” inclusion, 11.6
- Capitalization, 3.4
- Coding indicators, 3.1
- Copies, 3.9
- Deleting everything after the resolving clause and inserting new language
  - Committees, 2.41
  - Floor, 7.4
- Economic impact statement, 3.13
- Engrossing and enrolling, 1.10
- Fiscal note, 3.13
- Form, 3.4
- Inspection by public, 1.48
- Readings, 4.12
- Recommitment upon report without quorum, 2.17
- Reference, 4.9
- Signing by president, 1.4, 4.20
- Signing by secretary, 1.13, 4.20
- Third reading; reference, amendment or postponement, 4.15
- Title, 3.4
- Transmittal, 1.17
- Vote required, 4.12

## **Joint select committees, appointment or removal of senate members, 1.5**

# SENATE RULES INDEX

## Journal

- Advisory opinions, 9.4
- Amendments, 7.6
- Bill titles, 4.3
- Change of vote, 5.2
- Correction and approval, 4.3
- Daily journal, 1.10
- Disclosure of interest reports, 1.39
- Distribution, 1.10
- Enrolled bills, signing of, 4.20
- Excused absences, 1.21
- Executive appointments, return of certain documentation, 12.8
- Executive sessions
  - Secretary; duties re, 1.10
  - Separate journal, 1.10, 12.5
- Explanation of vote, 5.5
- Filed bills, committee references and reports, 3.8
- First reading of bills, 4.3
- Late votes, 5.2
- Lobbyists, advisory opinions to, 9.4
- Numbering, 1.10
- Papers of miscellaneous nature, 4.11
- Precedents, 2.23
- President's decisions re certified appeals, 2.23
- Records, public inspection, 1.48
- Secretary; duties re, 1.10
- Spread remarks, 4.11
- Standing committee reports, 2.15
- Titles to bills, 4.3
- Voting records, 5.1

## Judiciary committee, 2.1

## Justices of the supreme court, admission to chamber, 10.1

## L

### Late votes

- Committees, 2.28
- Floor, 5.2

### Lay on the table

- Motion to, 6.2
- Standing committees, effect of unfavorable report, 2.15

### Lay on the table (Cont.)

- Standing subcommittees, effect of unfavorable report, 2.16

### Legislation, encouraging passage, defeat or modification

- Advisory opinions re
  - Compilation, 9.5
  - Obtaining, 9.4
- Aides, 1.29
- Committees, duty to report violations, 9.7
- Compensation and expenditures, 9.8
- Conduct and ethics, 9.2
- Contributions during sessions, certain, 9.35
- Employees, 1.29
- Expenditure records, inspection, 1.48
- Expenditures and compensation, 9.8
- False or fraudulent statements, etc., by lobbyists, 9.2
- Frequently asked questions, 9.8
- Obligations of lobbyists, 9.2
- Penalties, 9.6
- Registered lobbyists
  - Admission to chamber, 10.2
  - Requirements, 9.3, 9.35, 9.7
- Registration
  - Exemptions, 9.1
  - Records, inspection of, 1.48
  - Requirement, 9.1
- Violations, penalties, 9.6

### Legislative business

- Conference committee
  - Appointment or removal of senate members, 1.5, 2.19
  - Chairs of senate and house conferees or subconferees, meetings between; notice, 2.19
  - Conferees, meetings of a majority of; notice, 2.19
  - Conference matters, meetings to discuss; place and notice, 2.19
  - Final action, taking, 2.19
  - Meetings, 2.19
  - Motion that the senate insist and request, 7.9
  - Motion to discharge and appoint or instruct senate conferees
    - Precedence, 6.2
    - Regular session, 2.19
    - Special session, 13.6
  - Motion to request, 7.8

## SENATE RULES INDEX

### **Legislative business (Cont.)**

- Public access and notice, 1.46
- Regular session, 2.19
- Reports
  - Copies, availability, 4.5, 13.6
  - Messages, transmittal of, 6.8
  - Order of business, 4.5
  - Reading and action, 4.5
  - Requirements, 2.19
- Special session, 13.6
- Definition, 1.44
- Discussions re, 1.44
- Executive
  - Appointments, consideration, 12.2
  - Attendance, 12.2
  - Authority, 12.1
  - Confidentiality
    - Generally, 1.48, 12.4
    - Violation of rule, 12.6
  - Journal, secretary's duties re, 1.10, 12.5
  - Journal, separate, 1.10, 12.5
  - Motion to proceed to consideration of executive business, precedence, 6.2
  - Penalties, violation of confidentiality, 12.6
  - Records, public inspection, 1.48
  - Removals, 12.2
  - Reports, 12.7
  - Resolving into, 12.2
  - Secretary; duties re, 12.2
  - Suspensions, consideration, 12.2
  - Vote required to consider appointments or suspensions in, 12.3
- Financial
  - Authorizations of payment; signature required, 1.4
  - Committee personnel, joint utilization with house, 2.4
  - Legal services, 1.4
  - Nonlegislative memberships re, 1.26
  - Records, public inspection, 1.48
  - Requisitions, 1.4
  - Senators, 1.25
  - Travel and per diem, authority, 1.4
  - Vouchers, approval, 1.4
- Meetings
  - Between legislators re; open meeting requirement, 1.44
  - Exemption from open meeting requirement, 1.44
  - Legislative business discussed, notice requirement, 1.45
- Open sessions, 12.1
- Order
  - Calendar, publication in, 1.11
  - Committees

### **Legislative business (Cont.)**

- Generally, 2.12
- Proceeding with, 2.21
- Reconsider, motion to, 2.35
- Reconsider collateral matters, motion to, 2.38
- Reconsider instanter, motion to, 2.35
- Conference committee reports, 4.5
- Consent calendar, 4.17
- Consideration of bill out of regular order, 4.16
- Daily order of business, 4.3
- House messages; withholding from, 4.3
- Local bill calendar, 4.18
- Proceeding with, 1.2
- Reconsider, motion to, 6.4
- Reconsider collateral matters, motion to, 6.7
- Second reading, after, 4.19
- Special order, 4.3
- Special order calendar, 4.17
- Papers
  - Chamber, delivery in, 10.1
  - Inspection by public, 1.48
  - Leaving, when absent, 1.22
  - Miscellaneous nature, of a, 4.11
  - Reading, 1.12
  - Secretary; duties re, 1.10, 1.48
  - Signature of president, 1.4
- Prearranged gatherings re, 1.46
- Quorum, necessity for
  - Committees, 2.17
  - Floor, 4.2
- Unfinished business, 1.11, 4.3, 6.11

### **Legislative redistricting plans; data and information, access by members, 1.47**

### **Legislators**

- Prearranged gatherings, 1.46
- Representing introducer at committee meetings, 2.11

### **Lieutenant governor, admission to chamber, 10.1**

### **Limit debate, motions to**

- Generally
  - Committees, 2.50
  - Floor, 8.6

# SENATE RULES INDEX

## **Limit debate, motions to (Cont.)**

- Precedence
- Committees, 2.33
- Floor, 6.2

## **Lobbying**

- Advisory opinions re
  - Compilation, 9.5
  - Obtaining, 9.4
- Aides, 1.29
- Committees, duty to report violations, 9.7
- Compensation and expenditures, 9.8
- Conduct and ethics, 9.2
- Contributions during sessions, certain, 9.35
- Employees, 1.29
- Expenditure records, inspection, 1.48
- Expenditures and compensation, 9.8
- False or fraudulent statements, etc., by
  - lobbyists, 9.2
- Frequently asked questions, 9.8
- Obligations of lobbyists, 9.2
- Penalties, 9.6
- Registered lobbyists
  - Admission to chamber, 10.2
  - Requirements, 9.3, 9.35, 9.7
- Registration
  - Exemptions, 9.1
  - Records, inspection of, 1.48
  - Requirement, 9.1
- Violations, penalties, 9.6

## **Local bills**

- Calendar of, 4.18
- Daily calendar, omission from, 4.3
- Determining local nature, 4.6
- Introduction requirements, 3.3
- Proof of publication, 3.3
- Referenda, 3.3
- Review, 4.6

## **Local governments; bills requiring them to make expenditures or reducing their ability to raise revenues or share in state tax revenues, reference, 4.8**

## **M**

## **Majority action, 11.4**

## **Majority caucuses, 1.1**

## **Majority leader**

- Designation of, 1.1
- Special order calendar, duties re, 4.17, 13.8

## **Matter, construction of, 11.6**

## **Measures**

- Amendments
  - Adoption, moving, 7.1
  - Amendment, to the, 7.2, 7.3
  - Appropriations, bill amended to affect; reference, 4.8
  - Appropriations bill
    - Printing amendments to, 7.6
  - Availability, 7.1
  - Bills on consent calendar, 4.17
  - Committee amendments
    - Amendments by previous committee, 2.44
    - Amendments to amendments, 2.40
    - Availability, 2.39
    - Consideration, prerequisites to, 2.39
    - Deadlines for filing, 2.39
    - Delete and insert, motion to; effect, 2.34
    - Deleting everything after enacting or resolving clause and inserting new language, effect, 2.41
    - Filing with committee administrative assistant, 2.39
    - Filing with secretary, 2.44
    - Form of an amendment, admitting proposition under, 2.39
    - Forms, 2.39
    - Germanity, 2.39, 2.41
    - House bills, to, 2.43
    - Item by item, 2.42
    - Manner of consideration, 2.39
    - Notice of, 2.39
    - Out of order, 2.40
    - Pending amendments, to, 2.40
    - Preference in presentation, 7.1
    - Section by section, 2.42
    - Standing committees, 2.15
    - Standing subcommittees, 2.16
    - Substitute amendments, 2.40
- Committee on rules, report on changes in rules, 11.3
- Conference committee procedure re
  - Regular session, 2.19

## SENATE RULES INDEX

### Measures (Cont.)

- Special session, 13.6
  - Consent calendar, 4.17
  - Floor amendments
    - Conference committee procedure re
      - Regular session, 2.19
      - Special session, 13.6
    - Consideration, manner and prerequisites, 7.1
    - Deadlines for filing, 7.1, 13.3, 13.8
    - Deleting everything after enacting or resolving clause and inserting new language, effect, 7.4
  - Filing, 7.1
  - Form of an amendment, admitting proposition under, 7.1
  - General form, 7.1
  - Germanity, 7.1, 7.4
  - House amendments to senate bills
    - Amendments to, 7.8
    - Generally, 7.8
    - Rules chair; duties re, 1.18
  - House bills, to; generally, 7.7
  - House refusal to concur in senate amendments, motion re, 7.9
  - Item by item, 7.5
  - Journal, printing in, 7.6
  - Measures in committee of reference;
    - admission in the form of an amendment, 7.1
  - Notice of, 7.1
  - Order of disposition, 7.3
  - Out of order, 7.3
  - Pending, when deemed, 7.1
  - Pending amendments, to, 7.3
  - Secretary; duties re, 7.1
  - Section by section, 7.5
  - Senate amendments to house bills; house refusal to concur, motion re, 7.9
  - Substitute amendments, 7.2, 7.3
  - Unfavorably reported measures;
    - admission in the form of an amendment, 7.1
  - Vote required for adoption, 7.2
- Inspection by public, 1.48
  - Local governmental expenditures, bill amended to require; reference, 4.8
  - Local governments' ability to raise revenues or share in state tax revenues, bill amended to reduce; reference, 4.8
  - Motion to delete and insert, effect, 6.3
  - Perranged gatherings re, 1.46
  - Report on changes in senate rules, 11.3
  - Retirement program, state; bill amended to affect; reference, 4.8

### Measures (Cont.)

- Reviser's bills, 7.1
- Rule requiring unanimous consent, motion to waive; effect, 11.2
- Senate rules, to; generally, 11.3
- Tax revenues, bill amended to affect; reference, 4.8
- Third reading, advancement to; effect, 4.19
- Third reading, bills on, 4.15
- Appropriations; affecting, reference, 4.8
- Appropriations bill
  - Amendments to; printing in journal, 7.6
  - Calendar, placement on, 4.6
  - Conference, posting notice of, 2.19
  - Conflict of interest, exception, 1.39
  - Introduction, 3.9
  - Proposed committee bill, obtaining copies in advance of meeting, 3.9
- Attestation of passage, 1.13
- Backing, 3.1
- "Bill," construction of, 11.6
- Capitalization, 3.1
- Certification of passage, 1.13
- Certification to house, immediate, 6.8
- Claim bills, 4.81
- Co-introduction, 3.12
- Coding indicators, 3.1
- Committee bills
  - Appropriations bill; prerequisites to committee consideration, 3.9
  - Backing for introduction, 3.1
  - Generally, 2.15
  - Introduction, 3.12
  - Publication, 3.9
- Committee substitutes
  - Committee amendments, incorporation of, 2.44
  - Copies, 3.9
  - Favorable reports by one committee, effect, 4.7
  - Proposed substitutes; filing and copies, 2.39
  - Reference, changed or corrected by president, 4.7
  - Standing committees, 2.15
  - Standing subcommittees, 2.16
  - Withdrawal, 6.10
- Companions
  - Fiscal notes, 3.13
  - Generally, 3.11
  - Substitution of, 3.11
- Conference committees
  - Appointment or removal of senate members, 1.5, 2.19

# SENATE RULES INDEX

## Measures (Cont.)

- Chairs of senate and house conferees or subconferees, meetings between; notice, 2.19
- Conferees, meetings of a majority of; notice, 2.19
- Conference matters, meetings to discuss; place and notice, 2.19
- Final action, taking, 2.19
- Meetings, 2.19
- Motion that the senate insist and request, 7.9
- Motion to discharge and appoint or instruct senate conferees
  - Precedence, 6.2
  - Regular session, 2.19
  - Special session, 13.6
- Motion to request, 7.8
- Public access and notice, 1.46
- Regular session, 2.19
- Reports
  - Copies, availability, 4.5, 13.6
  - Messages, transmittal of, 6.8
  - Order of business, 4.5
  - Reading and action, 4.5
  - Requirements, 2.19
- Special session, 13.6
- Consent calendar bills, 4.17
- Consideration
  - Amendments, 7.1
  - Appropriations bill; prerequisites to committee consideration, 3.9
  - Claim bills, 4.81
- Committees
  - Amendments; prerequisites to consideration by, 2.39
  - Bills; notice requirement for consideration, 2.6
  - Time for reports; special session, 13.5
- Companion measures, 3.11
- Concurrent resolutions
  - Attestation of passage, 1.13
  - “Bill,” “measure,” “question,” or “matter,” inclusion, 11.6
- Capitalization, 3.6
- Copies, 3.9
- Deleting everything after the resolving clause and inserting new language
  - Committees, 2.41
  - Floor, 7.4
- Engrossing and enrolling, 1.10
- Extending a legislative session, 4.9, 4.13
- Form, 3.6
- Generally, 4.13
- Inspection by public, 1.48

## Measures (Cont.)

- Joint rules, 4.9, 4.13
- Joint session, 4.9, 4.13
- Order of business, origination, 11.3
- Readings, 4.13
- Recalling a bill from the governor, 4.9, 4.13
- Recommitment upon report without quorum, 2.17
- Reference, 4.9
- Rules, changes in; origination, 11.3
- Setting an effective date for a vetoed bill, 4.9, 4.13
- Signing by president, 1.4, 4.20
- Signing by secretary, 1.13, 4.20
- Titles, 3.6
- Transmittal, 1.10, 1.17
- Vote required, 4.13
- Consent calendar, bills on, 4.17
- Final day for introduction, bills filed after; waiver of rules for, 3.7
- General calendar of bills on second or third reading, 4.19
- Local bills, 4.18
- Out of regular order, 4.16
- Resolutions of condolence or commemoration, 4.9
- Second reading, bills on; order of business, 4.3
- Special order calendar, bills on
  - Regular session, 4.17
  - Special session, 13.8
- Third reading, bills on; order of business, 4.3
- Deleting everything after enacting or resolving clause and inserting new language, effect
  - Committees, 2.41
  - Floor, 7.4
- Delivery for introduction
  - Regular session and interim, 3.7
  - Special session, 13.4
- Engrossing
  - Clerk, 1.8
  - Second reading, after, 4.19
  - Secretary, 1.8, 1.10
- Enrolling
  - Clerk, 1.8
  - Secretary, 1.8, 1.10, 4.20
- Estimated economic impact statement, 3.13
- Examination by secretary, 1.15
- Expenditures of state or local governments, bill affecting
  - Fiscal note, 3.13
  - Reference, 4.8

## SENATE RULES INDEX

### Measures (Cont.)

- Filed bills
  - Generally, 3.8
  - Introduction after final day for filing, 3.7
  - Introduction by nonreturning senator, 3.12
  - Reference, 4.6
- Filing
  - Regular session and interim, 3.7
  - Secretary, 3.2
  - Special session, 13.4
- First reading, 4.3
- Fiscal liabilities of state or local governments, affecting, 3.13
- Fiscal notes, 3.13
- Form, 3.1
- House bills
  - Amendments to; committees, 2.43
  - Amendments to; floor, 7.7
- Identification, 3.10
- Indexes, 1.16
- Inspection by public, 1.48
- Introducer
  - Bill jacket, name on, 3.1, 3.12
  - Committee meetings
    - Attendance, 2.11
    - Considering bill out of order for, 2.12
    - Debate, time allowed to close, 2.48
    - Motion to limit debate, rights re, 2.50
  - Committee substitutes, 2.15, 4.7
  - Constitutionality and legal correctness, responsibility for, 1.15
  - Debate, time allowed to close, 8.4
  - Delivery for introduction, 3.7
  - Index by, 1.16
  - Motion to limit debate, rights re, 8.6
  - Name on bill jacket, 3.12
  - Nonreturning senator, 3.12
  - Reference, recommendations re, 4.6
- Introduction
  - Appropriations bill, 3.9
  - Bills, 3.2
  - Co-introduction, 3.12
  - Committee bills, 2.15, 2.16
  - Concurrent resolution, form requirements, 3.6
  - During regular session, 3.7
  - Examination upon tender for, 1.15
- Filed bills
  - Generally, 3.8
  - Nonreturning senator, by, 3.12
- Final day for, 3.7
- Joint resolution, form requirements, 3.4
- Local bill, requirements, 3.3
- Memorial, form requirements, 3.5
- Name on bill jacket, 3.12

### Measures (Cont.)

- Order of receipt, 3.10
- Resolutions, form requirements, 3.6
- Special session, delivery for, 13.4
- Jackets, 3.1
- Joint Resolutions
  - “Bill,” “measure,” “question,” or “matter,” inclusion, 11.6
  - Capitalization, 3.4
  - Coding indicators, 3.1
  - Economic impact statement, 3.13
  - Fiscal note, 3.13
  - Form, 3.4
  - Publication, 3.9
  - Readings, 4.12
  - Signing by president, 1.4, 4.20
  - Signing by secretary, 1.13, 4.20
  - Third reading; reference, amendment or postponement, 4.15
  - Title, 3.4
  - Transmittal, 1.17
  - Vote required for final passage, 4.12
- Legal form, examination, 1.15
- Local bills
  - Calendar of, 4.18
  - Daily calendar, omission from, 4.3
  - Determining local nature, 4.6
  - Introduction requirements, 3.3
  - Proof of publication, 3.3
  - Referenda, 3.3
  - Review, 4.6
- Local governmental expenditures, requiring; reference, 4.8
- Local governments’ ability to raise revenues or share in state tax revenues, reducing; reference, 4.8
- “Matter,” construction of, 11.6
- “Measure,” construction of, 11.6
- Memorials
  - Attestation of passage, 1.13
  - “Bill,” “measure,” “question,” or “matter,” inclusion, 11.6
  - Capitalization, 3.5
  - Engrossing and enrolling, 1.10
  - Form, 3.5
  - Readings, 4.13
  - Signing by president, 1.4, 4.20
  - Signing by secretary, 1.13, 4.20
  - Titles, 3.5
  - Transmittal of; secretary, 1.10, 1.17
  - Vote required, 4.13
- New and deleted matter, 3.1
- Out of order, form of amendment, 7.1

# SENATE RULES INDEX

## Measures (Cont.)

- Passage
  - After second reading of conference committee report
    - Regular session, 4.5
    - Special session, 13.6
  - Attestation of, 1.13
  - Immediate certification to house, 6.8
- Prearranged gatherings re, 1.46
- Publication, 3.9
- “Question,” construction of, 11.6
- Reading
  - Amendments, 7.2
  - Bills, generally, 4.12
  - Committee motions, 2.32
  - Committee substitutes, 2.15
  - Companion measures, substitution on different readings, 3.11
  - Concurrent resolutions
    - Extending a legislative session, 4.9, 4.13
    - Generally, 4.13
    - Joint rules, 4.9, 4.13
    - Joint session, 4.9, 4.13
    - Recalling a bill from the governor, 4.9, 4.13
    - Setting an effective date for a vetoed bill, 4.9, 4.13
  - Conference committee reports
    - Regular session, 4.5
    - Special session, 13.6
  - Filed bills, 3.8
  - First reading, 4.3
  - House amendments to senate bills, 7.8
  - House messages, 1.18
  - Joint resolutions, 4.12
  - Memorials, 4.13
  - Motions
    - Committee, 2.32
    - Floor, 6.1
  - Papers, 1.12
  - Papers of miscellaneous nature, 4.11
  - Resolutions, 4.14
  - Resolutions of condolence or commemoration, 4.9
  - Second; order after, 4.19
  - Second; order of business, 4.3
  - Status, publication in calendar, 1.11
  - Third reading
    - Advancement to, 4.19
    - Amendments, adoption, 7.2
    - Order of business, 4.3
    - Reference, amendment or postponement on, 4.15
  - Title only, by; authority, 4.12, 4.13
  - Waiver of reading requirement, 4.12, 4.13

## Measures (Cont.)

- Recommitment
  - Companion measures, effect on, 3.11
  - Report without proper notice, 2.7
  - Report without quorum of committee, 2.17
  - Standing committee report, after, 2.15
- Reference
  - Appropriations, bills affecting, 4.8
  - Bill to a different committee, 4.10
  - Claim bills, 4.81
  - Committee poll, matters reported by, 2.27
  - Committee substitutes, substantially amended, 4.7
  - Conduct and ethics rules
    - Complaints re violations, 1.43
    - Questions of interpretation and enforcement, 1.42
  - Employee disputes, 1.28
  - Engrossing clerk, to, 4.19
  - Equitable claim bills, 4.81
  - Excess judgment claim bills, 4.81
  - Executive appointments and suspensions, 12.7, 12.9
  - Filed bills
    - Generally, 4.6
    - President, by, 3.8
  - Generally, 4.6
  - House amendments to senate bills, 1.18
  - Local bills, 4.6
  - Local governmental expenditures, bills requiring, 4.8
  - Local governments’ ability to raise revenues or share in state tax revenues, bills reducing, 4.8
  - More than one reference, 4.7
  - Motion re committee reference, order of business, 4.3
  - Motion to refer to different committee, 4.10
  - Motion to waive rule requiring unanimous consent, 11.2
  - Order of business, 4.3
- Recommitment
  - Companion measures, effect on, 3.11
  - Report without proper notice, 2.7
  - Report without quorum of committee, 2.17
  - Standing committee report, after, 2.15
- Resolutions, generally, 4.9
- Retirement system, state; bill affecting, 4.8
- Rules, proposed changes to, 11.3
- Second reading, after, 4.19
- Tax revenues, bills affecting, 4.8
- Third reading, bills or joint resolutions on, 4.15

# SENATE RULES INDEX

## Measures (Cont.)

Time limitations, 4.6

### Reports

Bills recommitted for failure to provide proper notice, 2.7

Claim bills, 4.81

Committee on ethics and elections, 12.7

Committee on rules

Changes in rules, 11.3

Executive matters, 12.7

Local bills, 4.6

Motion to waive rule re bills filed after final day for introduction, 3.7

Committee substitutes

Favorable report by one committee; effect, 4.7

Filing, 2.15

Committees

Approval by chair, 2.23

Inspection, 1.48

Order of business, 4.3

Publication in calendar, 1.11

Special session, 13.5

Standing committees, 2.15

Standing subcommittees, 2.16

Conduct and ethics violations, 1.43

Conference committees

Copies, availability, 4.5, 13.6

Messages, transmittal, 6.8

Order of business, 4.5

Regular session

Deliberation and requirements, 2.19

Reading and action, 4.5

Special session, 13.6

Credentials committee, 1.24

Disposal of, 1.48

Executive matters, 12.7

Exemptions from public inspection, 1.48

Filed bills

Generally, 3.8

Nonreturning senator, by, 3.12

House amendments to senate bills, 1.18

Inspection by public, 1.48

Lobbying violations before committees, 9.7

More than one reference; unfavorable report by one committee, effect, 4.7

Rejected by standing committee, 2.16

Select subcommittees, 2.1

Special master

Claim bills, 4.81

Conduct and ethics violations, 1.43, 9.6

Executive appointments, 12.7

Executive suspensions

Floor privilege, 12.12

## Measures (Cont.)

Generally, 12.7, 12.11

Lobbying violations, 9.6

State agencies, reports to standing committees and subcommittees, 2.2

Resolutions

Attestation of passage, 1.13

“Bill,” “measure,” “question,” or “matter,” inclusion, 11.6

Capitalization, 3.4, 3.6

Concurrent

Adopting joint rules of the legislature, 4.9, 4.13

Extending a legislative session, 4.9, 4.13

Generally, 4.13

Recalling bill from governor, 4.9, 4.13

Setting an effective date for a vetoed bill, 4.9, 4.13

Copies, 3.6, 3.9

Deleting everything after the resolving clause and inserting new language  
Committees, 2.41

Floor, 7.4

Engrossing and enrolling, 1.10

Form, 3.4, 3.6

Inspection by public, 1.48

Joint

Coding indicators, 3.1

Economic impact statement, 3.13

Fiscal note, 3.13

Third reading; reference, amendment or postponement, 4.15

Order of business, origination, 11.3

Readings, 4.12, 4.13, 4.14

Recommitment upon report without quorum, 2.17

Reference, 4.9

Rules, changes in; origination, 11.3

Signing by president, 1.4, 4.20

Signing by secretary, 1.13, 4.20

Titles, 3.4, 3.6

Transmittal, 1.10, 1.17

Vote required, 4.12, 4.13, 4.14

Returned to the desk and reconsidered, 5.2

Revenues of state or local governments, affecting, 3.13

Reviser's bills, amendments to, 7.1

Second reading, disposition after, 4.19

Signing after enrolling, 4.20

Special order, 4.17

Special session, delivery for introduction, 13.4

Sponsor

Bill jacket, name on, 3.1, 3.12

Committee meetings

# SENATE RULES INDEX

## Measures (Cont.)

- Attendance, 2.11
- Considering bill out of order for, 2.12
- Debate, time allowed to close, 2.48
- Motion to limit debate, rights re, 2.50
- Committee substitutes, 2.15, 4.7
- Constitutionality and legal correctness, responsibility for, 1.15
- Debate, time allowed to close, 8.4
- Delivery for introduction, 3.7
- Index by, 1.16
- Motion to limit debate, rights re, 8.6
- Name on bill jacket, 3.1, 3.12
- Nonreturning senator, 3.12
- Reference, recommendations re, 4.6
- State retirement systems, bill affecting
  - Fiscal note, 3.13
  - Reference, 4.8
- Status, publication in calendar, 1.11
- “Substantial rewording” notation, 3.1
- Tax revenues, affecting; reference, 4.8
- Third reading
  - Advancement to, 4.19
  - Amendments, adoption, 7.2
  - Order of business, 4.3
  - Reference, amendment or postponement on, 4.15
- Title requirements, 3.1
- Transmittal of
  - Bills and messages, during last 14 days of regular session and extension, 6.8
  - Bills and messages, during special session, 6.8
  - Messages re senate action on house amendments or conference committee reports, 6.8
  - Secretary; measures and messages, 1.10, 1.17, 6.8
- Unfavorable reports by standing committees, effect, 2.15
- Unfavorable reports by standing subcommittees, effect, 2.16
- Unfavorably reported measures; admission in the form of an amendment, 7.1
- Withdrawal from committee
  - Committee substitutes, 4.10, 6.10
  - Filed bills, 3.8
  - Remove bill from committee, motion to, 4.10
  - Special session, 13.5
- Withdrawn measures as subject of an amendment, 7.1
- Wrongful incarceration, 4.81

## Media, 10.3

## Meetings

- At which legislative business discussed
  - Notice requirement, 1.45
  - Publication of notice, 1.11
- Between legislators re legislative business, 1.44
- Committee meetings
  - After 50th day, 2.9
  - Attendance, excusing from, 1.21
  - Attendance by introducer, 2.11
  - Attendance by members, 2.27
  - Call to order, 2.21
  - Decorum, 2.13, 2.45
  - Discussions of legislative business among senators during, 1.44
  - During session, 2.10
  - Exemption from open meeting requirement
    - Meetings concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
  - House amendments to senate bills, hearings, 1.18
  - Notice
    - Delivery to secretary, 2.8
    - Generally, 1.46, 2.6
    - Hearings, 2.6
    - Publication in calendar, 1.11
    - Site visits, 2.6
  - Open meetings, 1.44, 1.46, 2.13
  - Order of business, 2.12
  - Place of meeting, 2.10
  - Public access and notice, 1.46
  - Scheduling, 2.10
  - Special session, schedule and notice, 13.3
- Conference committee meetings, 2.19
- Conference matters, to discuss; notice, 2.19
- Exemption from open meeting requirement
  - Meetings concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
- Notice, 1.46
- Political caucuses, 1.45
- Public access, 1.46

## Members

- Absences
  - Attendance
    - Committee meetings
      - Introducer, 2.11
      - Members, 2.27

# SENATE RULES INDEX

## Members (Cont.)

- Compelling, 4.2
- Employees, 1.30, 1.31
- Executive sessions, 12.2
- Records, inspection, 1.48
- Senators, by, 1.20
- Sittings, 1.20, 4.2
- Committee chair
  - Amendments, preference in presentation, 7.1
  - Call to order, 2.21
  - Generally, 2.25, 2.26
  - Notice of meetings and agenda, duties re, 2.6
  - Temporary alternate, 2.25
- Committee members, 2.27
- Employees, 1.31
- Excused, 1.21, 1.23
- Introducer, committee meetings, 2.11
- Organization session, president and president pro tempore of preceding session, 1.9
- Pairing prohibited, 2.29
- Papers, leaving, 1.22
- President; chair duties, 1.7
- President; reference duties, 4.6
- Reason for
  - Committees, 2.27
  - Floor, 1.20
- Senators, 1.20, 1.21, 4.2
- Abstention from voting, 1.20, 1.39, 8.8
- Acceptance of anything to improperly influence, 1.36
- Addressing committees, 2.45
- Addressing senate, 8.1
- Advisory opinions re conduct and ethics, requests, 1.42, 1.48
- Amendments, obtaining copies of, 7.1
- Another, voting for, 5.3
- Appeals
  - Chair, decisions of committee
    - Certification, 2.23
    - Debate, 2.23
    - Generally, 2.23
    - Interruptions of speaker, 2.47
  - President, decisions of
    - Committee removal, 1.5
    - Generally, 1.4
    - Points of order certified by committees, 2.23
  - Presiding officer, decisions of
    - Debate, 8.10
    - Generally, 8.9
    - Interruptions of speaker, 8.3
  - Removal from committee, 1.5

## Members (Cont.)

- Secretary; decisions at organization session, 1.9
- Appellations
  - Committees, 2.45
  - Floor, 8.1
- Attendance
  - Absence
    - Committee chair
      - Amendments, preference in presentation, 7.1
      - Call to order, 2.21
      - Generally, 2.25, 2.26
      - Notice of meetings and agenda, duties re, 2.6
      - Temporary alternate, 2.25
    - Committee members, 2.27
    - Employees, 1.31
    - Excused, 1.21, 1.23
    - Introducer, committee meetings, 2.11
    - Organization session, president and president pro tempore of preceding session, 1.9
    - Pairing prohibited, 2.29
    - Papers, leaving, 1.22
    - President; chair duties, 1.7
    - President; reference duties, 4.6
    - Reason for
      - Committees, 2.27
      - Floor, 1.20
    - Senators, 1.20, 1.21, 4.2
  - Committee meetings
    - Introducer, 2.11
    - Members, 2.27
  - Compelling, 4.2
  - Employees, 1.30, 1.31
  - Executive sessions, 12.2
  - Records, inspection, 1.48
  - Senators, by, 1.20
  - Sittings, 1.20, 4.2
  - Attire in chamber, 10.4
  - Censure, 1.43
  - Chamber, admission to, 10.1
  - Co-introduction, 3.12
  - Commissions, membership on nonlegislative, 1.26
  - Committee members
    - Amendments; obtaining copies in advance of meeting, 2.39
    - Appellations, 2.45
    - Appointment, 1.5, 2.1
    - Appropriations bill; obtaining copies in advance of meeting, 3.9
    - Attendance, 2.27
    - Chair duties, assignment to, 2.25

## SENATE RULES INDEX

### Members (Cont.)

- Change of vote requests, 2.28
- Division of question, calls for, 2.34
- Excused absence, 2.27
- Explanation of vote, 2.31
- Quorum, questioning existence of, 2.17
- Removal; appeal, 1.5
- Speaking limit, 2.49
- Speaking rights, 2.48
- Unregistered lobbyists, permitting, 9.7
- Verification of vote, request for, 2.28
- Vote, request to record, 2.15
- Voting by, 2.27
- Voting for another in committee, 2.30
- Committee substitutes, co-introducing, 2.15, 2.16
- Committees outside legislature, membership on, 1.26
- Conduct
  - Acceptance of anything to improperly influence, 1.36
  - Advisory opinions re, 1.42, 1.48
  - Complaints re violations, 1.43
  - Conflicts of interest, 1.38, 1.39
  - Disclosure of certain contributions, 1.361
  - Disclosure of conflict of interest, 1.20, 1.39
  - Disqualification from voting
    - Committees, 1.20, 1.39, 2.27
    - Floor, 1.20, 1.39
  - Employees, 1.41
  - Enforcement of rules, questions of, 1.42
  - Executive session, 12.6
  - Improper influence, 1.36
  - Interpretation of rules, questions of, 1.42
  - Investigations, 1.43
  - Lobbyists, 9.2, 9.35, 9.6, 9.8
  - Lobbyists; advisory opinions re, 9.4
  - Notice of meetings at which legislative business discussed, violations re, 1.49
  - Open meeting violations, 1.49
  - Penalties, 1.361, 1.43
  - Personal conduct, 1.35
  - Personal employment, conflicting, 1.37
  - Personal interest, conflicting, 1.38
  - Questions of privilege re, 8.11
  - Solicitation or acceptance of certain contributions, 1.361
  - Violations of; procedure, 1.43
- Conference committee reports, obtaining copies, 4.5
- Conflicts of interest
  - Disclosure, 1.20, 1.39

### Members (Cont.)

- Disqualification from voting re
  - Committees, 1.20, 1.39, 2.27
  - Floor, 1.20, 1.39
- Employees, 1.41
- Personal employment, 1.37
- Questioning decision not to abstain from voting, 8.8
- Use of influence, 1.38
- Congressional redistricting information, access to, 1.47
- Contest of seat, 1.24
- Debate
  - Address, manner of, 8.1
  - Amendments to title or corrective amendments, 7.2
  - Appeals from decisions of
    - Committee chair, 2.23
    - Presiding officer, 8.10
    - Presiding officer during debate, 8.9
  - Committee debate
    - Address, manner of, 2.45
    - Appeals, 2.23
    - Bills reported favorably by standing subcommittees, 2.16
    - Consider bill out of regular order, motion to, 2.12
    - Interruptions of speaker, 2.47
    - Limit debate, motion to
      - Extension of limit, 2.50
      - Generally, 2.50
      - Precedence, 2.33
    - Motions, order of precedence, 2.33
    - Priority of business, questions re, 2.51
    - Reconsider, motion to, 2.37
    - Speaking limit, 2.49
    - Speaking rights, 2.48
    - Time allowed to close, 2.48
  - Consider bill out of regular order, motion to, 4.16
- Decorum
  - Appellations, 8.1
  - Avoiding personality, 8.1
  - Committees
    - Appellations, 2.45
    - Avoiding personality, 2.45
    - Committee chairs, authority, 2.13, 2.22
    - Confining remarks to question under debate, 2.45
  - Conference committee meetings, 2.19
  - Confining remarks to question under debate, 8.1
  - Employees, disputes re, 1.28
  - Meetings at which legislative business discussed, 1.44

## SENATE RULES INDEX

### Members (Cont.)

- Organization session, 1.9
  - President; authority re, 1.3
  - Interruptions of speaker, 8.3
  - Limit debate, motion to
    - Generally, 8.6
    - Precedence, 6.2
  - Motions, order of precedence, 6.2
  - Questions of privilege during, 8.11
  - Recognition
    - Amendment by section or item; order, 7.5
    - Amendments, sponsors of, 7.1
  - Committees
    - Amendment by section or item; order, 2.42
    - Amendments, sponsors of, 2.39
    - Order of, 2.46
    - Requests for, 2.45
  - Order of, 8.2
  - Requests for, 8.1
  - Reconsider, motion to, 6.6
  - Speaking limit, 8.5
  - Speaking rights, 8.4
  - Time allowed to close, 8.4
  - Waive a rule, motion to, 11.2
- Decision to abstain from voting, 1.20, 1.39, 8.8
- Decorum
- Appellations, 8.1
  - Avoiding personality, 8.1
- Committees
- Appellations, 2.45
  - Avoiding personality, 2.45
  - Committee chairs, authority, 2.13, 2.22
  - Confining remarks to question under debate, 2.45
- Conference committee meetings, 2.19
- Confining remarks to question under debate, 8.1
- Debate
- Address, manner of, 8.1
  - Amendments to title or corrective amendments, 7.2
  - Appeals from decisions of
    - Committee chair, 2.23
    - Presiding officer, 8.10
    - Presiding officer during debate, 8.9
- Committee debate
- Address, manner of, 2.45
  - Appeals, 2.23
  - Bills reported favorably by standing subcommittees, 2.16
  - Consider bill out of regular order, motion to, 2.12

### Members (Cont.)

- Interruptions of speaker, 2.47
  - Limit debate, motion to
    - Extension of limit, 2.50
    - Generally, 2.50
    - Precedence, 2.33
  - Motions, order of precedence, 2.33
  - Priority of business, questions re, 2.51
  - Reconsider, motion to, 2.37
  - Speaking limit, 2.49
  - Speaking rights, 2.48
  - Time allowed to close, 2.48
- Consider bill out of regular order, motion to, 4.16
- Interruptions of speaker, 8.3
- Limit debate, motion to
- Generally, 8.6
  - Precedence, 6.2
- Motions, order of precedence, 6.2
- Questions of privilege during, 8.11
- Recognition
- Amendment by section or item; order, 7.5
  - Amendments, sponsors of, 7.1
- Committees
- Amendment by section or item; order, 2.42
  - Amendments, sponsors of, 2.39
  - Order of, 2.46
  - Requests for, 2.45
- Order of, 8.2
- Requests for, 8.1
- Reconsider, motion to, 6.6
- Speaking limit, 8.5
- Speaking rights, 8.4
- Time allowed to close, 8.4
- Waive a rule, motion to, 11.2
- Employees, disputes re, 1.28
- Meetings at which legislative business discussed, 1.44
- Organization session, 1.9
- President; authority re, 1.3
- Disciplinary actions, 1.361, 1.43
- Disclosure re acceptance or solicitation of certain contributions, 1.361
- Disclosures of conflict of interest, 1.20, 1.39
- Division of question, calls for, 6.3
- Employees, 1.28, 1.29, 1.30, 1.31, 1.32, 2.11
- Excused absences, 1.21, 1.23
- Executive sessions, unseating for violating confidentiality, 12.6
- Expenses, 1.25
- Expulsion, 1.43
- Facilities, 1.25
- Families of; reserved gallery section, 10.1

## SENATE RULES INDEX

### Members (Cont.)

- Filed bills, 3.8
- Fiscal notes; copies to, 3.13
- Former members, admission to chamber, 10.1
- Influence, use of, 1.38
- Interruptions, when allowed, 8.3
- Intradistrict allotment expenditure records, public inspection, 1.48
- Introducers, as
  - Bill jacket, name on, 3.1, 3.12
  - Committee meetings
    - Attendance, 2.11
    - Considering bill out of order for, 2.12
    - Debate, time allowed to close, 2.48
    - Motion to limit debate, rights re, 2.50
  - Committee substitutes, 2.15, 4.7
  - Constitutionality and legal correctness, responsibility for, 1.15
  - Debate, time allowed to close, 8.4
  - Delivery for introduction, 3.7
  - Index by, 1.16
  - Motion to limit debate, rights re, 8.6
  - Name on bill jacket, 3.1, 3.12
  - Nonreturning senator, 3.12
  - Reference, recommendations re, 4.6
- Legal services, certain expenses, 1.4
- Legislative redistricting information, access to, 1.47
- Meetings between legislators re legislative business, 1.44
- Motions
  - Adjourn, to; precedence, 6.2
  - Adjourn, to; precedence over questions of privilege, 8.11
  - Amend, to; precedence, 6.2
  - Amend the amendment, 7.3
  - Amend the house amendment, 7.8
  - Amend the house bill, 7.7
  - Amend the substitute, 7.3
  - Bills filed after final day for introduction, waive rules re, 3.7
  - Commit to a select committee, precedence, 6.2
  - Commit to a standing committee, precedence, 6.2
  - Committee motions
    - Amend, 2.33
    - Conference committee; taking final action, 2.19
    - Consider bill out of order, 2.12
    - Delete and insert, 2.34
    - Division of question, 2.34
    - Limit debate, 2.50
    - Making, 2.32

### Members (Cont.)

- Oral, 2.32
- Precedence, 2.33
- Reconsider
  - Collateral matters, 2.38
  - Debate, 2.37
  - Generally, 2.35
  - Precedence, 2.33
  - Vote required, 2.36
  - Withdrawal, 2.32
- Reject report of standing subcommittee, motion to, 2.16
- Seconds, 2.32
- Vote on, 2.32
- Withdrawal of, 2.32
- Written, 2.32
- Committee reference, re; order of business, 4.3
- Companion measures re, 3.11
- Concur in the house amendment, 7.8
- Concurrent resolution to recall bill from governor, take up, 4.9
- Conference committee, request a, 7.8, 7.9
- Consider bill out of regular order, 4.16
- Delete and insert, 6.3
- Discharge senate conferees and appoint new conferees
  - Regular session, 2.19, 6.2
  - Special session, 13.6
- Division of question, 6.3
- House amendments to senate bills re, 7.8
- House refusal to concur in senate amendments re, 7.9
- Immediately certify bill to house, waive the rules and, 6.8
- Insist, that the senate, 7.9
- Insist and request a conference committee, that the senate, 7.9
- Instruct conferees
  - Regular session, 2.19, 6.2
  - Special session, 13.6
- Lay on the table, 6.2
- Limit debate, 8.6
- Limit debate, precedence, 6.2
- Making, 6.1
- Oral, 6.1
- Out of order, 2.38, 6.7
- Postpone indefinitely
  - Application and effect, 6.9
  - Precedence, 6.2
- Postpone to a day certain, precedence, 6.2
- Postpone to a time beyond last day allowed for session, construction, 6.9

# SENATE RULES INDEX

## Members (Cont.)

- Precedence
  - Generally, 6.2
  - Privileged questions, 8.11
- Previous question, 6.2
- Privileged questions, precedence, 8.11
- Procedural motions, motion to reconsider, 6.7
- Proceed to the consideration of executive business, precedence, 6.2
- Recede, that the senate, 7.9
- Recess, precedence over question of privilege, 8.11
- Recess, take a; precedence, 6.2
- Reconsider
  - Collateral matters, 6.7
  - Committee motions
    - Collateral matters, 2.38
    - Debate, 2.37
    - Generally, 2.35
    - Precedence, 2.33
    - Vote required, 2.36
    - Withdrawal, 2.32
  - Debate, 6.6
  - Generally, 6.4
  - Precedence, 6.2
  - Procedural motions, 6.7
  - Special session, 13.7
  - Vote required, 6.5
  - Withdrawal, 6.1
- Refer to a different committee, 4.10
- Refuse to concur in the house amendment and ask the house to recede, 7.8
- Remove bill from committee
  - Filed bills, 4.10
  - Order of business, 4.10
- Request a conference committee, 7.8
- Rule requiring unanimous consent, waive, 11.2
- Second reading, disposition on, 4.19
- Seconds, 6.1
- Substitute motions, 6.2
- Temporarily postpone, motion to, 6.11
- Temporarily postpone, precedence, 6.2
- Waive a rule, generally, 11.2
- Withdrawal of, 6.1, 4.10
- Written, 6.1
- Nonlegislative appointments, accepting, 1.26
- Nonreturning senator, bills filed by, 3.12
- Organization session, delegation of duties by secretary, 1.9
- Papers, leaving in absence, 1.22
- Papers of miscellaneous nature, objections, 4.11

## Members (Cont.)

- Parliamentary inquiries
  - Definition, 8.7
  - Interruption of speaker for
    - Committees, 2.47
    - Floor, 8.3
- Penalties
  - Absence from a sitting, 4.2
  - Censure of senator, 1.43
  - Committee meetings, unexcused absence, 2.27
  - Conduct and ethics, violations, 1.43
  - Executive session, confidentiality of; violations, 12.6
  - Expulsion of senator, 1.43
  - Notice of meetings at which legislative business discussed, violations re, 1.49
  - Open meeting violations, 1.49
  - Reprimand of senator, 1.43
  - Voting for another senator or by nonmember
    - Committees, 2.30
    - Floor, 5.3
- Personal conduct, 1.35
- Personal employment, conflicting, 1.37
- Personal interest, conflict with duties, 1.38
- Points of order
  - Appeals
    - Chair, decisions of committee
      - Certification, 2.23
      - Debate, 2.23
      - Generally, 2.23
      - Interruptions of speaker, 2.47
  - President, decisions of
    - Committee removal, 1.5
    - Generally, 1.4
    - Points of order certified by committees, 2.23
  - Presiding officer, decisions of
    - Debate, 8.10
    - Generally, 8.9
    - Interruptions of speaker, 8.3
  - Removal from committee, 1.5
  - Secretary; decisions at organization session, 1.9
- Committees
  - Chair; authority to decide, 2.23
  - Interruptions of speaker for, 2.47
  - Pending appeals, 2.23
  - Poll, matters reported by, 2.27
- Definition, 8.7
- Economic impact statement, absence of, 3.13
- Fiscal note, absence of, 3.13
- Interruptions of speaker for, 8.3

# SENATE RULES INDEX

## Members (Cont.)

- Organization session, 1.9
- Pending appeals, 8.9
- President; authority to decide, 1.4
- Questioning decision not to abstain from voting re interest, 8.8
- Recommitment for lack of proper notice, 2.7
- Secretary; authority to decide, organization session, 1.9
- Withdrawal of bills from committee, special session, 13.5
- Prearranged gatherings between, 1.46
- Presence, announcing, 1.23
- Presiding officer, designation as, 1.7
- Questions of personal privilege, 8.11
- Quorum, questioning existence, 4.2
- Reapportionment information, access to, 1.47
- Recognition
  - Amendment by section or item; order, 7.5
  - Amendments, sponsors of, 7.1
- Committees
  - Amendment by section or item; order, 2.42
  - Amendments, sponsors of, 2.39
  - Order of, 2.46
  - Requests for, 2.45
- Order of, 8.2
- Requests for, 8.1
- Records, public inspection, 1.48
- Registration with committee on rules, 1.361
- Relatives, employment, 1.28
- Removal from committee, 1.5
- Reprimand, 1.43
- Reputation, questions of privilege re, 8.11
- Rights, questions of privilege re, 8.11
- Seat, contest of, 1.24
- Solicitation or acceptance of certain contributions, 1.361
- Speaking
  - Address, manner of, 8.1
  - Amendments to title or corrective amendments, 7.2
  - Appeals from decisions of
    - Committee chair, 2.23
    - Presiding officer, 8.10
    - Presiding officer during debate, 8.9
- Committee debate
  - Address, manner of, 2.45
  - Appeals, 2.23
  - Bills reported favorably by standing subcommittees, 2.16
  - Consider bill out of regular order, motion to, 2.12

## Members (Cont.)

- Interruptions of speaker, 2.47
- Limit debate, motion to
  - Extension of limit, 2.50
  - Generally, 2.50
  - Precedence, 2.33
- Motions, order of precedence, 2.33
- Priority of business, questions re, 2.51
- Reconsider, motion to, 2.37
- Speaking limit, 2.49
- Speaking rights, 2.48
- Time allowed to close, 2.48
- Consider bill out of regular order, motion to, 4.16
- Decorum
  - Appellations, 8.1
  - Avoiding personality, 8.1
- Committees
  - Appellations, 2.45
  - Avoiding personality, 2.45
  - Committee chairs, authority, 2.13, 2.22
  - Confining remarks to question under debate, 2.45
  - Conference committee meetings, 2.19
  - Confining remarks to question under debate, 8.1
  - Employees, disputes re, 1.28
  - Meetings at which legislative business discussed, 1.44
  - Organization session, 1.9
  - President; authority re, 1.3
- Interruptions of speaker, 8.3
- Limit debate, motion to
  - Generally, 8.6
  - Precedence, 6.2
- Motions, order of precedence, 6.2
- Questions of privilege during, 8.11
- Recognition
  - Amendment by section or item; order, 7.5
  - Amendments, sponsors of, 7.1
- Committees
  - Amendment by section or item; order, 2.42
  - Amendments, sponsors of, 2.39
  - Order of, 2.46
  - Requests for, 2.45
- Order of, 8.2
- Requests for, 8.1
- Reconsider, motion to, 6.6
- Speaking limit, 8.5
- Speaking rights, 8.4
- Time allowed to close, 8.4
- Waive a rule, motion to, 11.2
- Spouse, employment of, 1.28

## SENATE RULES INDEX

### Members (Cont.)

- Standing committee and subcommittee meetings, copy of schedule, 2.10
- Summaries of house amendments to senate bills; notice to, 1.18
- Task forces, membership on nonlegislative, 1.26
- Unseating for violation of confidentiality of executive sessions, 12.6
- Votes and voting
  - Action, generally, 11.4
  - Amend the house amendment, motion to, 7.8
  - Amendment on second reading, 7.2
  - Amendment on third reading, 4.15, 7.2
  - Amendments to amendment on third reading, 7.2
  - Announcing the vote, 5.1
  - Another senator, voting for, 5.3
  - Ballot, election by, 5.6
  - Censure of senator, 1.43
  - Change vote, 5.2
- Committees
  - Action, generally, 2.27
  - Announcing the vote, 2.28
  - Another senator, voting for, 2.30
  - Bills with favorable reports from standing subcommittees, additional testimony, 2.16
  - Certification of questions of parliamentary procedure, 2.23
  - Chair, by, 2.24
  - Change of vote, 2.28
  - Conference reports, 2.19
  - Consider bill out of regular order, 2.12
  - Declaring the vote, 2.28
  - Deferring or explaining vote, 2.31
  - Equal division, effect of, 2.28
  - Explanation of vote, 2.31
  - Late vote, 2.28
  - Limit debate
    - Extension of limit, 2.50
    - Motion to, 2.50
  - Majority action, 2.27, 11.4
  - Meetings, hold during session, 2.10
  - Nonmember, voting by, 2.30
  - Pairing prohibited, 2.29
  - Proxy, by, 2.27
  - Questioning a vote, 2.28
  - Reconsider, further motion to, 2.35
  - Reconsider, motion to, 2.36
  - Reconsider instanter, motion to, 2.35
  - Record of votes, inspection, 1.48
  - Recording of votes, 2.15

### Members (Cont.)

- Reject report of standing subcommittee, motion to, 2.16
- Request to vote or change vote, 2.28
- Roll call, 2.28
- Select subcommittee reports, action re, 2.1
- Show of hands, questioning a vote, 2.28
- Speaking limit, motion to extend, 2.49
- Taking the vote, 2.28
- Tie votes, 2.28
- Verification of vote, 2.28
- Vice chair, by, 2.24
- Voice vote, reconsideration, 2.35
- Yeas and nays, counting, 2.28
- Companion measures, motion re, 3.11
- Concur in the house amendment, motion to, 7.8
- Concurrent resolutions, 4.13
- Conference committee
  - Motion to request, 7.8
- Reports
  - Regular session, 4.5
  - Special session, 13.6
- Consider bill out of regular order, 4.16
- Consider certain bills, 4.3
- Contested seat, 1.24
- Counting votes, 1.12
- Declaring the vote, 5.1
- Disciplinary actions, 1.361, 1.43
- Disqualification, 1.20
- Disqualification, disclosure, 1.39
- Election by ballot, 5.6
- Electronic roll call system, 5.1
- Equal division, effect, 5.1
- Executive appointments or suspensions, to consider, 12.3
- Executive matters, confidentiality, 12.4
- Explanation of vote, 5.5
- Expulsion of senator, 1.43
- Extended session, consideration of additional proposals, 11.5
- Generally, 11.4
- House amendments to senate bills, motion re, 7.8
- House refusal to concur in senate amendments, motion re, 7.9
- Insist, motion that the senate, 7.9
- Insist and request a conference committee, motion that the senate, 7.9
- Late vote, 5.2
- Limit debate, motion to, 8.6
- Lobbying violations, take action on, 9.6
- Majority action, 11.4
- Memorials, 4.13

## SENATE RULES INDEX

### Members (Cont.)

- More than one reference, unfavorable report by one committee; further consideration, 4.7
- Nonmember, by, 5.3
- Passage of bill or joint resolution, 4.12
- Postponement to a day certain on third reading, 4.15
- President, voting by, 1.6
- Questioning a vote, 2.28, 5.1
- Questioning decision not to abstain from voting re interest, 8.8
- Reading of bill in full, to require, 4.12
- Reading of miscellaneous papers, objections, 4.11
- Recede, motion that the senate, 7.9
- Recommitment after standing committee report, 2.15
- Recommitment on third reading, 4.15
- Reconsider, further motion to, 6.4
- Reconsider, motion to, 6.5
- Records, inspection, 1.48
- Refer to a different committee, motion to, 4.10
- Reference on third reading, 4.15
- Refuse to concur in the house amendment and ask the house to recede, motion to, 7.8
- Report on changes in rules, amendment of, 11.3
- Reprimand of senator, 1.43
- Request a conference committee, motion to, 7.8
- Resolutions, 4.14
- Roll call
  - Change of vote, recording, 5.2
  - Electronic roll call system, 5.1
  - Entry after, 1.23
  - Explanation of vote during, 5.5
  - Late vote, recording, 5.2
  - Order of business, 4.3
  - Secretary; duties re, 1.12
- Secretary; duties re, 1.12
- Senators, by, 1.20
- Show of hands
  - Counting, 1.12
  - Questioning a vote, 5.1
- Speaking limit, motion to extend, 8.5
- Special order calendar
  - Establishing, 4.17
  - Striking or adding bills, 4.17
- Standing committee reports, special session; extensions of time, 13.5
- Suspension of rules, 11.2
- Taking the vote, 5.1

### Members (Cont.)

- Tie vote, 5.1
- Title or corrective amendments, 7.2
- “Two-thirds vote,” etc., construction, 11.5
- Verification of vote, 5.2
- Voice vote
  - Concurrent resolutions, 4.13
  - Memorials, 4.13
  - Questioning
    - Committee, 2.28
    - Floor, 5.1
  - Reconsideration, 6.4
  - Resolutions, 4.14
- Waive a rule, motion to, 11.2
- Waive the rules and immediately certify bill to house, motion to, 6.8
- Waiver of requirement re three readings, 4.12
- Waiver of rule requiring unanimous consent, 11.2
- Yeas and nays
  - Calling president’s name, 1.6
  - Recording, 1.12
  - Taking, 5.1
- Withdrawal of bills, 3.8

### Members of committees

- Amendments; obtaining copies in advance of meeting, 2.39
- Appellations, 2.45
- Appointment, 1.5, 2.1
- Appropriations bill; obtaining copies in advance of meeting, 3.9
- Attendance, 2.27
- Chair duties, assignment to, 2.25
- Change of vote requests, 2.28
- Division of question, calls for, 2.34
- Excused absence, 2.27
- Explanation of vote, 2.31
- Quorum, questioning existence of, 2.17
- Removal; appeal, 1.5
- Speaking limit, 2.49
- Speaking rights, 2.48
- Unregistered lobbyists, permitting, 9.7
- Verification of vote, request for, 2.28
- Vote, request to record, 2.15
- Voting by, 2.27
- Voting for another in committee, 2.30

### Memorials

- Attestation of passage, 1.13
- “Bill,” “measure,” “question,” or “matter,” inclusion, 11.6

# SENATE RULES INDEX

## **Memorials (Cont.)**

- Capitalization, 3.5
- Engrossing and enrolling, 1.10
- Form, 3.5
- Readings, 4.13
- Signing by president, 1.4, 4.20
- Signing by secretary, 1.13, 4.20
- Titles, 3.5
- Transmittal of; secretary, 1.10, 1.17
- Vote required, 4.13

## **Messages**

- Chamber, delivery in, 10.1
- Conference committee reports, 6.8
- Executive, from; order of business, 4.3
- House amendments, senate action on, 6.8
- House, from
  - Inspection by public, 1.48
  - Order of business, 4.3
  - Rules chair; duties re, 1.18
  - Take up, president's authority to, 4.3
  - Withholding from order, 4.3
- House, to, 1.17
- Veto; reference, 4.21
- Veto message; motion to reconsider vote, 6.4

## **Military and veterans affairs, space, and domestic security committee, 2.1**

## **Minority caucuses, 1.1**

## **Minority leader**

- Designation of, 1.45
- Election, 1.1
- Special order calendar, duties re, 4.17, 13.8

## **Minority leader pro tempore**

- Designation of, 1.45
- Election, 1.1

## **More than one reference, 4.7**

## **Motions**

- Adjourn, to; precedence, 6.2
- Adjourn, to; precedence over questions of privilege, 8.11
- Amend, to; precedence, 6.2
- Amend the amendment, 7.3

## **Motions (Cont.)**

- Amend the house amendment, 7.8
  - Amend the house bill, 7.7
  - Amend the substitute, 7.3
  - Bills filed after final day for introduction, waive rules re, 3.7
  - Commit to a select committee, precedence, 6.2
  - Commit to a standing committee, precedence, 6.2
  - Committee motions
    - Amend, 2.33
    - Conference committee; taking final action, 2.19
    - Consider bill out of order, 2.12
    - Delete and insert, 2.34
    - Division of question, 2.34
    - Limit debate, 2.50
    - Making, 2.32
    - Oral, 2.32
    - Precedence, 2.33
  - Reconsider
    - Collateral matters, 2.38
    - Debate, 2.37
    - Generally, 2.35
    - Precedence, 2.33
    - Vote required, 2.36
    - Withdrawal, 2.32
  - Reject report of standing subcommittee, motion to, 2.16
  - Seconds, 2.32
  - Vote on, 2.32
  - Withdrawal of, 2.32
  - Written, 2.32
- Committee reference, re; order of business, 4.3
- Companion measures re, 3.11
  - Concur in the house amendment, 7.8
  - Concurrent resolution to recall bill from governor, take up, 4.9
  - Conference committee, request a, 7.8, 7.9
  - Consider bill out of regular order, 4.16
  - Delete and insert, 6.3
  - Discharge senate conferees and appoint new conferees
    - Regular session, 2.19, 6.2
    - Special session, 13.6
  - Division of question, 6.3
  - House amendments to senate bills re, 7.8
  - House refusal to concur in senate amendments re, 7.9
  - Immediately certify bill to house, waive the rules and, 6.8
  - Insist, that the senate, 7.9

## SENATE RULES INDEX

### Motions (Cont.)

- Insist and request a conference committee, that the senate, 7.9
- Instruct conferees
  - Regular session, 2.19, 6.2
  - Special session, 13.6
- Lay on the table, 6.2
- Limit debate, 8.6
- Limit debate, precedence, 6.2
- Making, 6.1
- Oral, 6.1
- Out of order, 2.38, 6.7
- Postpone indefinitely
  - Application and effect, 6.9
  - Precedence, 6.2
- Postpone to a day certain, precedence, 6.2
- Postpone to a time beyond last day allowed for session, construction, 6.9
- Precedence
  - Generally, 6.2
  - Privileged questions, 8.11
- Previous question, 6.2
- Privileged questions, precedence, 8.11
- Procedural motions, motion to reconsider, 6.7
- Proceed to the consideration of executive business, precedence, 6.2
- Recede, that the senate, 7.9
- Recess, precedence over question of privilege, 8.11
- Recess, take a; precedence, 6.2
- Reconsider
  - Collateral matters, 6.7
  - Committee motions
    - Collateral matters, 2.38
    - Debate, 2.37
    - Generally, 2.35
    - Instantly, 2.35
    - Precedence, 2.33
    - Vote required, 2.36
    - Withdrawal, 2.32
  - Debate, 6.6
  - Generally, 6.4
  - Precedence, 6.2
  - Procedural motions, 6.7
  - Special session, 13.7
  - Vote required, 6.5
  - Withdrawal, 6.1
- Reconsider and leave pending a main question, precedence, 6.2
- Refer to a different committee, 4.10
- Refuse to concur in the house amendment and ask the house to recede, 7.8
- Remove bill from committee
  - Filed bills, 4.10

### Motions (Cont.)

- Order of business, 4.10
- Request a conference committee, 7.8
- Rule requiring unanimous consent, waive, 11.2
- Second reading, disposition on, 4.19
- Seconds, 6.1
- Spread remarks upon journal, 4.11
- Substitute motions, 6.2
- Temporarily postpone, motion to, 6.11
- Temporarily postpone, precedence, 6.2
- Waive a rule, generally, 11.2
- Withdrawal of, 4.10, 6.1, 6.10
- Written, 6.1

### **Municipalities; bills requiring them to make expenditures or reducing their ability to raise revenues or share in state tax revenues, reference, 4.8**

## N

### **Nonlegislative committees, commissions and task forces; membership by senators, 1.26**

### Notices

- Appointment of select subcommittee, 2.1
- Caucuses, 1.45
- Claim bill hearings, 4.81
- Committee meeting notice
  - Delivery to secretary, 2.8
  - Lack of proper notice, effect, 2.7
  - Public notice, 1.46
  - Publication in calendar, 1.11
  - Regular session and interim, during, 2.6
  - Special session, during, 13.3
- Committee meeting places, assignment, 2.10
- Committee notices, approval, 2.23
- Committee substitute, change or correct reference, 4.7
- Complaints re conduct and ethics violations, 1.43
- Conduct and ethics violations, investigations, 1.43
- Conference committee meetings, 1.46, 2.19
- Contested seat, 1.24
- Disciplinary action against a senator, investigations, 1.43
- Hearings, 2.6
- House amendments to senate bills, summaries, 1.18

# SENATE RULES INDEX

## Notices (Cont.)

- Intent to move to
  - Consider bill out of regular order
  - Committees, 2.12
  - Floor, 4.16
- Lobbying violations, investigations, 9.6
- Meetings at which legislative business discussed
  - Publication of notice, 1.11
  - Requirement for notice, 1.45
  - Violations re notice, 1.49
- Meetings to discuss conference matters, 2.19
- Political caucuses, 1.45
- Select subcommittees; re assignments, 2.1
- Site visits, 2.6
- Special order, meeting to establish, 4.17
- Subcommittee meeting places, assignment, 2.10
- Subcommittee meetings, public notice, 1.46, 2.6
- Suspensions, hearings and prehearing conferences, 12.7, 12.9(1), 12.9(3)

## O

### Oaths

- President, 1.1
- President pro tempore, 1.1
- Secretary, 1.8
- Witnesses
  - Claim bill hearing, 4.81
  - Committees, 2.2
  - Executive matters, 12.13

### Objections

- Change of vote request, 5.2
- Consent calendar, bills on, 4.17
- Late vote request, 5.2
- Miscellaneous papers, reading, 4.11

### Officers

- Chamber, admission to, 10.1
- Committee officers, 2.20
- President, 1.1
- President pro tempore, 1.1
- Secretary, 1.8

Official seal and coat of arms, 14.1

## Open meetings

- Committees, 1.46
- Conference committees, 1.46, 2.19
- Exceptions, 1.44
- Political caucuses, 1.45
- Prearranged gatherings, 1.46
- Requirement for, 1.44
- Subcommittees, 1.46
- Violations; procedure and penalties, 1.49

## Open sessions, 12.1

## Order, points of

### Appeals

- Chair, decisions of committee
  - Certification, 2.23
  - Debate, 2.23
  - Generally, 2.23
  - Interruptions of speaker, 2.47
- President, decisions of
  - Committee removal, 1.5
  - Generally, 1.4
  - Points of order certified by committees, 2.23

### Presiding officer, decisions of

- Debate, 8.10
- Generally, 8.9
- Interruptions of speaker, 8.3
- Removal from committee, 1.5
- Secretary; decisions at organization session, 1.9

### Committees

- Chair; authority to decide, 2.23
- Interruptions of speaker for, 2.47
- Pending appeals, 2.23
- Poll, matters reported by, 2.27
- Definition, 8.7
- Economic impact statement, absence of, 3.13
- Fiscal note, absence of, 3.13
- Interruptions of speaker for, 8.3
- Organization session, 1.9
- Pending appeals, 8.9
- President; authority to decide, 1.4
- Questioning decision not to abstain from voting re interest, 8.8
- Recommitment for lack of proper notice, 2.7
- Secretary; authority to decide, organization session, 1.9
- Withdrawal of bills from committee, special session, 13.5

# SENATE RULES INDEX

## **Order of business**

- Calendar, publication in, 1.11
- Committees
  - Generally, 2.12
  - Proceeding with, 2.21
  - Reconsider, motion to, 2.35
  - Reconsider collateral matters, motion to, 2.38
  - Reconsider instanter, motion to, 2.35
- Conference committee reports, 4.5
- Consent calendar, 4.17
- Consideration of bill out of regular order, 4.16
- Daily order of business, 4.3
- House messages; withholding from, 4.3
- Local bill calendar, 4.18
- Proceeding with, 1.2
- Reconsider, motion to, 6.4
- Reconsider collateral matters, motion to, 6.7
- Reports re, 11.3
- Second reading, after, 4.19
- Special order calendar, 4.3, 4.17

## **Order of disposition of amendments**

- Committees, 2.40
- Floor, 7.3

## **Order of precedence**

- Adjourn, motion to, 6.2, 8.11
- Committee motions, 2.33
- Conferees, motion to discharge and appoint or instruct, 2.19, 6.2, 13.6
- Executive suspensions; conflicts between rule 12 and statute, 12.14
- Motions
  - Committee, 2.33
  - Floor, 6.2
- Questions of privilege, 8.11
- Recess, motion to, 6.2
- Speaking rights
  - Committees, 2.48
  - Floor, 8.4
- Special order, bills set at same hour, 4.17
- Substitute motions
  - Committees, 2.33
  - Floor, 6.2

## **Order of recognition of senators**

- Committees, 2.46
- Floor, 8.2

## **Organization of senate, resolution re; adoption, 4.9**

## **Organization session**

- Call to order, 1.9
- Contested seat, 1.24
- Elections, 1.1
- Minority leader and leader pro tempore, certification of names, 1.1
- Questions of order, 1.9

## **P**

## **Pairing prohibited, 2.29**

## **Papers**

- Chamber, delivery in, 10.1
- Inspection by public, 1.48
- Leaving, when absent, 1.22
- Miscellaneous nature, of a, 4.11
- Reading, 1.12
- Secretary; duties re, 1.10, 1.48
- Signature of president, 1.4

## **Parliamentary inquiries**

- Definition, 8.7
- Interruption of speaker for
  - Committees, 2.47
  - Floor, 8.3

## **Parliamentary practice, requiring observance, 8.7**

## **Parliamentary procedure, certification of questions from committees, 2.23**

## **Party caucuses**

- Election of leaders, 1.1
- Notice, 1.45
- Open meeting requirement, 1.44, 1.45

## **Passages, control of, 1.3**

# SENATE RULES INDEX

## Payment of expenses

- Authorizations of payment; signature required, 1.4
- Committee personnel, joint utilization with house, 2.4
- Legal services, 1.4
- Nonlegislative memberships re, 1.26
- Records, public inspection, 1.48
- Requisitions, 1.4
- Senators, 1.25
- Travel and per diem, authority, 1.4
- Vouchers, approval, 1.4

## Penalties

- Absence from a sitting, 4.2
- Censure of senator, 1.43
- Committee meetings, unexcused absence, 2.27
- Conduct and ethics, violations, 1.43
- Employees
  - Absence without permission, 1.31
  - Lobbying by, 1.29
  - Termination, 1.28
- Executive session, confidentiality of; violations, 12.6
- Expulsion of senator, 1.43
- Lobbying violations, 9.6
- Notice of meetings at which legislative business discussed, violations re, 1.49
- Open meeting violations, 1.49
- Reprimand of senator, 1.43
- Voting for another senator or by nonmember
  - Committees, 2.30
  - Floor, 5.3

## Per diem expenses

- Authority to incur, 1.4
- Nonlegislative memberships re, 1.26

## Personal privilege, questions of

- Interruptions for; committees, 2.47
- Interruptions for; floor, 8.3
- Precedence, 8.11
- Precedence over motion to discharge and appoint or instruct conferees, 2.19, 6.2
- Types, 8.11

## Personnel

- Absence without permission, 1.31
- Aides, hours of duty, 1.30

## Personnel (Cont.)

- Assignment and supervision, 2.4
- Chamber, admission to, 10.1
- Committee administrative assistants, 1.39, 2.15, 2.39
- Committees, 2.4, 2.11
- Compensation, forfeiture, 1.31
- Conflicts of interest, 1.41
- Dismissal for lobbying, 1.29
- Disputes involving, 1.28
- Duties, 1.30
- Hours of duty, 1.30
- Joint utilization with house, 2.4
- Lobbying by, 1.29
- Part-time; hours of employment, 1.30
- Political activities, 1.32
- Records, public inspection, 1.48
- Relatives of senators, 1.28
- Secretary, staff of, 1.8
- Spouses of senators, 1.28
- Staff, presenting committee bill at certain meetings, 2.11
- Termination
  - Absence without permission, for, 1.31
  - By president, 1.28

## Pledge of allegiance, daily order of business, 4.3

## Points of order

- Appeals
  - Chair, decisions of committee
    - Certification, 2.23
    - Debate, 2.23
    - Generally, 2.23
    - Interruptions of speaker, 2.47
  - President, decisions of
    - Committee removal, 1.5
    - Generally, 1.4
    - Points of order certified by committees, 2.23
  - Presiding officer, decisions of
    - Debate, 8.10
    - Generally, 8.9
    - Interruptions of speaker, 8.3
  - Removal from committee, 1.5
  - Secretary; decisions at organization session, 1.9
- Committees
  - Chair; authority to decide, 2.23
  - Interruptions of speaker for, 2.47
  - Pending appeals, 2.23

# SENATE RULES INDEX

## **Points of order (Cont.)**

- Poll, matters reported by, 2.27
- Definition, 8.7
- Economic impact statement, absence of, 3.13
- Fiscal note, absence of, 3.13
- Interruptions of speaker for, 8.3
- Organization session, 1.9
- Pending appeals, 8.9
- President; authority to decide, 1.4
- Questioning decision not to abstain from voting re interest, 8.8
- Recommitment for lack of proper notice, 2.7
- Secretary; authority to decide, organization session, 1.9
- Withdrawal of bills from committee, special session, 13.5

## **Political activities, employees, 1.32**

## **Political caucuses**

- Election of leaders, 1.1
- Notice, 1.45
- Open meeting requirement, 1.44, 1.45

## **Poll of committee, matters reported by, 2.27**

## **Postpone indefinitely, motions to**

- Application and effect, 6.9
- Precedence, 6.2

## **Postpone to a day certain, motion to, 6.2**

## **Postponement to a day certain on third reading, 4.15**

## **Prayer; order of business, 4.3**

## **Prearranged gatherings; public access, 1.46**

## **Precedence**

- Adjourn, motion to, 6.2, 8.11
- Amendments, 2.40, 7.3, 7.8, 7.9
- Committee motions, 2.33
- Conferees, motion to discharge and appoint or instruct, 2.19, 6.2, 13.6

## **Precedence (Cont.)**

- Executive suspensions; conflicts between rule 12 and statute, 12.14
- Motions
  - Committee, 2.33
  - Floor, 6.2
- Questions of privilege, 8.11
- Recess, motion to, 6.2
- Speaking rights
  - Committees, 2.48
  - Floor, 8.4
- Special order, bills set at same hour, 4.17
- Substitute motions
  - Committees, 2.33
  - Floor, 6.2

## **Precedents in committees, 2.23**

## **Preference, presentation of committee amendments, 7.1**

## **Prehearing conferences in suspension matters**

- Generally, 12.9(3)
- Notice, giving, 12.9(1)
- Notice, time limits, 12.9(1), 12.9(2)

## **President**

- Absence of, 1.7
- Acts, signing, 1.4
- Amendment by section or item, order of recognition, 7.5
- Amendments, recognition of introducers, 7.1
- Announcing the vote, 5.1
- Attendance, authority to excuse, 1.21
- Authority of, 1.4
- Call to order, 1.2
- Chamber, control of, 1.3
- Claim bills, reference, 4.81
- Committee chairs
  - Appointment, 2.20
  - Appointment of successor, 2.26
  - Removal, 1.5
- Committee meetings; schedule of, 2.19
- Committee meetings after 50th day, approval, 2.9
- Committee officers, appointment, 2.20
- Committee on ethics and elections; duty to advise, 12.7

## SENATE RULES INDEX

### President (Cont.)

- Committee on rules, reference of reports re executive matters, 12.7
- Committee personnel, authority re, 2.4
- Committee substitutes, change or correct reference, 4.7
- Committees, appointment and removal, 1.5
- Conduct and ethics complaints against rules chair, 1.43
- Conference committees, senate members of; appointment and removal, 1.5, 2.19
- Consent calendar, approval, 4.17
- Contested seat, duties re, 1.24
- Contracts binding the senate, signature on, 1.4
- Corridors, control of, 1.3
- Creation and designation of certain committees, 1.5
- Credentials committee, appointment, 1.24
- Decorum, authority re, 1.3
- Disability; reference duties, 4.6
- Disturbances, authority re, 1.3
- Election, 1.1, 1.45
- Electronic roll call system, using, 5.1
- Employees
  - Absent without permission, authority, 1.31
  - Assignment of duties, 1.30
  - Disputes, authority re, 1.28
  - Hours of employment, 1.30
- Enrolled bills, signing, 4.20
- Excused absences, granting, 1.21, 1.23
- Executive matters, reference and reports, 12.7
- Expenses
  - Authorization of payment, 1.4
  - Legal services, 1.4
  - Senators, of; authority, 1.25
- Facilities for senators, authority re, 1.25
- Filed bills, reference, 3.8
- Guests, invitation, 10.1
- House amendments to senate bills, reference, 1.18
- House messages,
  - Take up, authority to, 4.3
  - Withholding certain, 4.3
- Interim work, authority to assign, 2.2
- Interruption of speaker, strict enforcement of rule, 8.3
- Joint committees, appointment and removal of senate members, 1.5
- Joint resolutions, signing, 1.4
- Joint select committees, appointment and removal of senate members, 1.5
- Local bill calendar, consideration; approval, 4.18

### President (Cont.)

- Majority caucus, calling, 1.1
- Majority leader, designation of, 1.1
- Media, admission of, 10.3
- Meetings concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
- Meetings with
  - Governor and speaker re conference matters; notice, 2.19
  - Governor re legislative business; notice, 1.45
  - House conferees; notice, 2.19
  - Majority of chairs of standing committees; notice, 1.45
  - Speaker re legislative business; notice, 1.45
- Memorials, signing, 1.4
- Motions
  - Receiving, 6.2
  - Request for written, 6.1
  - Stating or reading, 6.1
- Nonlegislative memberships by senators, approval, 1.26
- Oath, 1.1
- Order, preservation of, 1.3
- Organization session, absence of president from preceding session, 1.9
- Papers, signature on, 1.4
- Papers of miscellaneous nature, disposition, 4.11
- Parliamentary procedure, certified questions from committees, 2.23
- Passages, control of, 1.3
- Per diem expenses, 1.4
- Prearranged gatherings with; public access, 1.46
- Presiding officer
  - Appeals from decisions, 8.9
  - Appeals from decisions, debate, 8.10
  - Designation, 1.7
  - Election, 1.7
  - Exception to ruling, taking, 8.9
  - Interruption of speaker, strict enforcement of rule re, 8.3
  - Organization session, 1.9
  - Points of order pending appeals, 8.9
  - Recognition, power of, 8.2
  - Rules, interpretation, 11.1
  - Speaking rights, determination, 8.4
  - Voting, 1.6
- Property of the senate, 1.4
- Questions, order of presenting, 6.2
- Questions of order
  - Certification by committees, 2.23

# SENATE RULES INDEX

## **President (Cont.)**

- Decisions by, 1.4
- Recess, authority to, 1.2
- Recommitment
  - Committee reports without quorum, 2.17
  - Lack of proper notice, 2.7
- Reference
  - Bill affecting appropriations, tax revenues, or state retirement system, 4.8
  - Bill requiring local governments to make expenditures or reducing their ability to raise revenues or share in state tax revenues, 4.8
  - Claim bills, 4.81
  - Committee substitute, substantially amended, 4.7
  - Duties re, 4.6
  - House amendments to senate bills, 1.18
- Request to return documentation of an executive appointment, 12.8
- Requisitions, signing, 1.4
- Resignation of, 1.7
- Resolutions, reference of, 4.9
- Resolutions, signing, 1.4
- Retain counsel, 1.4
- Rooms, control of, 1.3
- Rules, interpretation of, 11.1
- Second reading, ordering and placing motions, 4.19
- Secretary, 1.8
- Select committees
  - Appointment and removal, 1.5
  - Officers, appointment of, 2.20
  - Requests for subpoenas and other process, 2.2
- Select subcommittees
  - Approval and notice re appointments and assignments, 2.1
  - Extending time allowed for, 2.1
- Session schedule, approval, 4.1
- Signature, required, 1.4, 4.20
- Solicitation or acceptance of certain contributions, 1.361
- Special master, executive matters
  - Appointment, 12.7, 12.9, 12.11
  - Duty to advise president, 12.7
  - Granting floor privilege to, 12.12
- Special order calendar, duties re, 4.17, 13.8
- Special session, schedule approval, 13.2
- Standing committees and subcommittees
  - Appointment, 1.5, 2.1
  - Chairs, appointment of successor, 2.26
  - Meeting schedule, approval, 2.9, 2.10
  - Officers, appointment, 2.20
  - Personnel, authority re, 2.4

## **President (Cont.)**

- Removal of member, 1.5
- Requests for subpoenas and other process, 2.2
- Subpoenas, signature on, 1.4
- Term of office, 1.1
- Third reading, ordering, 4.19
- Travel expenses, 1.4
- Vacancy, 1.7
- Verification of vote, ordering, 5.2
- Vice chairs
  - Appointment, 2.20
  - Removal of, 1.5
- Vote
  - Taking the, 5.1
  - Designating senators to, 2.27
- Votes, counting, 1.12
- Voting by, 1.6
- Vouchers, approval, 1.4
- Warrants, signature on, 1.4
- Writs, signature on, 1.4
- Yeas and nays, taking, 5.1

## **President designate, election of, 1.1**

## **President pro tempore**

- Chair, assuming duties of, 1.7
- Designee, assuming duties of, 1.7
- Election, 1.1
- Oath, 1.1
- Organization session, absence of president pro tempore from preceding session, 1.9
- Presiding officer
  - Appeals from decisions, 8.9
  - Appeals from decisions, debate, 8.10
  - Designation, 1.7
  - Election, 1.7
  - Exception to ruling, taking, 8.9
  - Interruption of speaker, strict enforcement of rule re, 8.3
  - Organization session, 1.9
  - Points of order pending appeals, 8.9
  - Recognition, power of, 8.2
  - Rules, interpretation, 11.1
  - Speaking rights, determination, 8.4
  - Voting, 1.6
- Reference, assuming duties, 4.6
- Term, 1.1

## **President pro tempore designate**

- Designation of, 1.45

# SENATE RULES INDEX

---

## **President pro tempore designate (Cont.)**

- Election, 1.1
- Term of office, 1.1

## **Presiding officer**

- Appeals from decisions, 8.9
- Appeals from decisions, debate, 8.10
- Designation, 1.7
- Election, 1.7
- Exception to ruling, taking, 8.9
- Interruption of speaker, strict enforcement of rule re, 8.3
- Organization session, 1.9
- Points of order pending appeals, 8.9
- Recognition, power of, 8.2
- Rules, interpretation, 11.1
- Speaking rights, determination, 8.4
- Voting, 1.6

## **Press members**

- Admission, 10.3
- Notice of meetings at which legislative business discussed, 1.45

## **Previous question, motions for, 6.2**

## **Privilege, questions of**

- Conferees, motion to discharge and appoint or instruct
  - Regular session, 2.19
  - Special session, 13.6
- Interruptions for; committees, 2.47
- Interruptions for; floor, 8.3
- Precedence, 8.11
- Precedence over motion to discharge and appoint or instruct conferees, 2.19, 6.2
- Types, 8.11

## **Probation, lobbying violations, 9.6**

## **Procedural authority, 11.7**

## **Procedural motions, motions to reconsider, 6.7**

## **Proceed to the consideration of executive business, motions to; precedence, 6.2**

## **Process**

- Committees; requests for, 2.2
- Executive matters; authority re, 12.13

## **Proof of publication, local bills, 3.3**

## **Property of the senate**

- Delegation of responsibility re, 1.4
- Responsibility of the president, 1.4

## **Property records, inspection, 1.48**

## **Proposed amendments; filing and copies**

- Committees, 2.39
- Floor, 7.1

## **Proposed committee bills; filing and copies, 2.39**

## **Proposed committee substitutes; filing and copies, 2.39**

## **Public agencies, investigation of, 2.2**

## **Public inspection; records and reports, 1.48**

## **Public meetings**

- Committees, 1.46
- Conference committees, 1.46, 2.19
- Exceptions, 1.44
- Political caucuses, 1.45
- Prearranged gatherings, 1.46
- Requirement for, 1.44
- Subcommittees, 1.46
- Violations; procedure and penalties, 1.49

## **Public officers, confirmation**

- Committee on ethics and elections
- Confidentiality of work product, 12.4

# SENATE RULES INDEX

## **Public officers, confirmation (Cont.)**

- Duties, 12.7
- Oaths and affirmations, 12.13
- Subpoenas and other process, 12.13
- Confidentiality, 1.48, 12.4
- Documentation re specified appointments to be returned, 12.8
- Executive sessions; consideration of, 12.2
- Motion to reconsider vote, 6.4
- Procedure, 12.7, 12.8
- Reference of executive appointments, 12.7
- Vote, confidentiality of, 12.4
- Vote required to consider executive appointments in executive session, 12.3

## **Public officers, suspension**

- Abeance of investigation and proceedings, 12.9(2)
- Action by senate, 12.9(5)
- Amended suspension order, 12.9(1)
- Committee on ethics and elections
  - Suspensions
    - Amended order, 12.9(1)
    - Confidentiality of work product, 12.4
    - Criminal charge or court challenge
      - pending; abeyance of investigation and proceedings, 12.9(2)
    - Duties, 12.7, 12.9
    - Evidence, disposition, 12.9(6)
    - Governor's bill of particulars, request for, 12.9(4)
    - Hearings and notice, 12.9(1), 12.9(3)
    - Instituting action, time limits, 12.9(1), 12.9(2)
    - Oaths and affirmations, 12.13
    - Prehearing conferences, 12.9(3)
    - Subpoenas and other process, 12.13
- Confidentiality of proceedings, 1.48, 12.4
- Criminal charge or court challenge pending; abeyance of investigation and proceedings, 12.9(2)
- Defenses, filing, 12.9(3), 12.9(4)
- Evidence; recovery and disposition, 12.9(6)
- Executive sessions; consideration of, 12.2
- Finding of commission of felony, 12.10
- Governor's bill of particulars, 12.9(4)
- Hearings, 12.9(1), 12.9(3)
- Institution of action, time limits, 12.9(1), 12.9(2)
- Motion to reconsider vote, 6.4
- Notice of hearings, 12.9(1)
- Precedence; conflicts between rule 12 and statute, 12.14

## **Public officers, suspension (Cont.)**

- Prehearing conferences
  - Generally, 12.9(3)
  - Notice, giving, 12.9(1)
  - Notice, time limits, 12.9(1), 12.9(2)
- Procedure, generally, 12.7, 12.9
- Reference, 12.7
- Special master, duties and reports, 12.11, 12.12
- Suspension order, amended, 12.9(1)
- Vote, confidentiality of, 12.4
- Vote required to consider, in executive session, 12.3

## **Publication of bills and joint resolutions, 3.9**

## **Q**

### **Questioning decision not to abstain from voting, 8.8**

### **Questioning vote**

- Committees, 2.28
- Floor, 5.1

### **Questions, division of**

- Committees, 2.34
- Floor, 6.3

### **Questions, order of presenting**

- Committees, 2.33
- Floor, 6.2

### **Questions of no quorum**

- Committees
  - Generally, 2.17
  - Interruptions for, 2.47
- Generally, 4.2
- Interruptions for, 8.3

### **Questions of order**

- Appeals
  - Chair, decisions of committee
  - Certification, 2.23
  - Debate, 2.23

# SENATE RULES INDEX

## Questions of order (Cont.)

- Generally, 2.23
- Interruptions of speaker, 2.47
- President, decisions of
  - Committee removal, 1.5
  - Generally, 1.4
  - Points of order certified by committees, 2.23
- Presiding officer, decisions of
  - Debate, 8.10
  - Generally, 8.9
  - Interruptions of speaker, 8.3
- Removal from committee, 1.5
- Secretary; decisions at organization session, 1.9
- Committees
  - Chair; authority to decide, 2.23
  - Interruptions of speaker for, 2.47
  - Pending appeals, 2.23
  - Poll, matters reported by, 2.27
- Definition, 8.7
- Economic impact statement, absence of, 3.13
- Fiscal note, absence of, 3.13
- Interruptions of speaker for, 8.3
- Organization session, 1.9
- Pending appeals, 8.9
- President; authority to decide, 1.4
- Questioning decision not to abstain from voting re interest, 8.8
- Recommitment for lack of proper notice, 2.7
- Secretary; authority to decide, organization session, 1.9
- Withdrawal of bills from committee, special session, 13.5

## Questions of privilege

- Interruptions for; committees, 2.47
- Interruptions for; floor, 8.3
- Precedence, 8.11
- Precedence over motion to discharge and appoint or instruct conferees, 2.19, 6.2
- Types, 8.11

## Quorum

- Committees, standing
  - Computation of, 2.17
  - Necessity for, 2.17
  - Questions of no quorum
    - Generally, 2.17
    - Interruptions for, 2.47
- Computation, 2.17, 4.2
- Electronic roll call system; use for, 5.1

## Quorum (Cont.)

- Necessity for, 1.2
- Questions of no quorum
  - Generally, 4.2
  - Interruptions for, 8.3
- Roll call, 1.12, 1.23, 5.1

## R

### Radio station members, 10.3

### Reading

- Amendments, 7.2
- Bills, generally, 4.12
- Committee motions, 2.32
- Committee substitutes, 2.15
- Companion measures, substitution on different readings, 3.11
- Concurrent resolutions
  - Extending a legislative session, 4.9, 4.13
  - Generally, 4.13
  - Joint rules, 4.9, 4.13
  - Joint session, 4.9, 4.13
  - Recalling a bill from the governor, 4.9, 4.13
  - Setting an effective date for a vetoed bill, 4.9, 4.13
- Conference committee reports
  - Regular session, 4.5
  - Special session, 13.6
- Filed bills, 3.8
- First reading, 4.3
- House amendments to senate bills, 7.8
- House messages, 1.18
- Joint resolutions, 4.12
- Memorials, 4.13
- Motions
  - Committee, 2.32
  - Floor, 6.1
- Papers, 1.12
- Papers of miscellaneous nature, 4.11
- Resolutions, 4.14
- Resolutions of condolence or commemoration, 4.9
- Second; order after, 4.19
- Second; order of business, 4.3
- Status, publication in calendar, 1.11
- Third reading
  - Advancement to, 4.19
  - Amendments, adoption, 7.2
  - Order of business, 4.3

# SENATE RULES INDEX

## **Reading (Cont.)**

- Reference, amendment or postponement on, 4.15
- Title only, by; authority, 4.12, 4.13
- Waiver of reading requirement, 4.12, 4.13

## **Reapportionment committee, 2.1**

## **Reapportionment, data and information; access by senators, 1.47**

## **Recalling bill from governor, 4.9**

## **Recess**

- Motion to take
  - Committees, 2.33
  - Floor, 6.2
- President; authority re, 1.2

## **Recognition**

- Amendment by section or item; order, 7.5
- Amendments, sponsors of, 7.1
- Committees
  - Amendment by section or item; order, 2.42
  - Amendments, sponsors of, 2.39
  - Order of, 2.46
  - Requests for, 2.45
- Debate
  - Address, manner of, 8.1
  - Amendments to title or corrective amendments, 7.2
  - Appeals from decisions of
    - Committee chair, 2.23
    - Presiding officer, 8.10
    - Presiding officer during debate, 8.9
  - Committee debate
    - Address, manner of, 2.45
    - Appeals, 2.23
    - Bills reported favorably by standing subcommittees, 2.16
    - Consider bill out of regular order, motion to, 2.12
    - Interruptions of speaker, 2.47
    - Limit debate, motion to
      - Extension of limit, 2.50
      - Generally, 2.50
      - Precedence, 2.33
    - Motions, order of precedence, 2.33
    - Priority of business, questions re, 2.51

## **Recognition (Cont.)**

- Reconsider, motion to, 2.37
- Speaking limit, 2.49
- Speaking rights, 2.48
- Time allowed to close, 2.48
- Consider bill out of regular order, motion to, 4.16
- Decorum
  - Appellations, 8.1
  - Avoiding personality, 8.1
- Committees
  - Appellations, 2.45
  - Avoiding personality, 2.45
  - Committee chairs, authority, 2.13, 2.22
  - Confining remarks to question under debate, 2.45
  - Conference committee meetings, 2.19
  - Confining remarks to question under debate, 8.1
  - Employees, disputes re, 1.28
  - Meetings at which legislative business discussed, 1.44
  - Organization session, 1.9
  - President; authority re, 1.3
- Interruptions of speaker, 8.3
- Limit debate, motion to
  - Generally, 8.6
  - Precedence, 6.2
- Motions, order of precedence, 6.2
- Questions of privilege during, 8.11
- Reconsider, motion to, 6.6
- Speaking limit, 8.5
- Speaking rights, 8.4
- Time allowed to close, 8.4
- Waive a rule, motion to, 11.2
- Order of, 8.2
- Requests for, 8.1

## **Recommitment**

- Companion measures, effect on, 3.11
- Report without proper notice, 2.7
- Report without quorum of committee, 2.17
- Standing committee report, after, 2.15

## **Reconsider, motions to**

- Collateral matters, 6.7
- Committee motions
  - Collateral matters, 2.38
  - Debate, 2.37
  - Generally, 2.35
  - Precedence, 2.33
  - Vote required, 2.36

# SENATE RULES INDEX

## **Reconsider, motions to (Cont.)**

- Withdrawal, 2.32
- Debate, 6.6
- Generally, 6.4
- Precedence, 6.2
- Procedural motions, 6.7
- Special session, 13.7
- Vote required, 6.5
- Withdrawal, 6.1

## **Reconsideration**

- Motion to waive rules and immediately certify bill to house; effect, 6.8
- Order of business of matters on, 4.3
- Period of retention of bills during, 6.8
- Special session, 13.7

## **Records**

- Change of vote requests, 5.2
- Claim bill hearings, 4.81
- Committees
  - Excused absence, 2.27
  - Explanation of vote, 2.31
  - Inspection, 1.48
  - Votes, 2.15, 2.28
- Disposition, 1.48
- Electronic roll call votes, 5.1
- Fees for copies, 1.48
- Inspection by public; exemptions, 1.48
- Late vote requests, 5.2
- Public; defined, 1.48
- Reapportionment information, 1.47
- Secretary; duties re, 1.10, 1.48
- Suspension matters, 12.7, 12.9
- Votes, 5.1

## **Reference**

- Appropriations, bills affecting, 4.8
- Bill to a different committee, 4.10
- Claim bills, 4.81
- Committee poll, matters reported by, 2.27
- Committee substitutes, substantially amended, 4.7
- Conduct and ethics rules
  - Complaints re violations, 1.43
  - Questions of interpretation and enforcement, 1.42
- Employee disputes, 1.28
- Engrossing clerk, to, 4.19
- Equitable claim bills, 4.81
- Excess judgment claim bills, 4.81

## **Reference (Cont.)**

- Executive appointments and suspensions, 12.7, 12.9
- Filed bills
  - Generally, 4.6
  - President, by, 3.8
- Generally, 4.6
- House amendments to senate bills, 1.18
- Local bills, 4.6
- Local governmental expenditures, bills requiring, 4.8
- Local governments' ability to raise revenues or share in state tax revenues, bills reducing, 4.8
- More than one reference, 4.7
- Motion re committee reference, order of business, 4.3
- Motion to refer to different committee, 4.10
- Motion to waive rule requiring unanimous consent, 11.2
- Order of business, 4.3
- Recommitment
  - Companion measures, effect on, 3.11
  - Report without proper notice, 2.7
  - Report without quorum of committee, 2.17
  - Standing committee report, after, 2.15
- Resolutions, generally, 4.9
- Retirement system, state; bill affecting, 4.8
- Rules, proposed changes to, 11.3
- Second reading, after, 4.19
- Tax revenues, bills affecting, 4.8
- Third reading, bills or joint resolutions on, 4.15
- Time limitations, 4.6

## **Referenda, local bills, 3.3**

## **Refuse to concur in the house amendment and ask the house to recede, motions to, 7.8**

## **Registration of lobbyists**

- Exemptions, 9.1
- Records, inspection of, 1.48
- Requirement, 9.1

## **Registration requirement; solicitation or acceptance of certain contributions, 1.361**

# SENATE RULES INDEX

## **Regular sessions**

- Absence, leaving papers during, 1.22
- Admission to chamber
  - Admission, generally, 10.1
  - Attire, 10.4
- Conference matters, meetings re;  
restrictions, 2.19
- Control of, 1.3
- Discussions of legislative business on floor  
during session, 1.44
- Lobbyists, admission of, 10.2
- Media, admission of, 10.3
- Nonmember voting for senator, exclusion,  
5.3
- Senators; presence during a sitting, 1.20
- Special master, floor privilege, 12.12
- Announcement of committee and  
subcommittee meetings
  - Interim, 2.6
  - Regular session, 2.6
  - Special session, 13.3
- Attendance by senators, 1.20
- Attire, 10.4
- Call to order, 1.2
- Claim bills, reports of special master, 4.81
- Closed sessions, 12.1
- Conference committee reports, 4.5
- Employees, hours of duty, 1.30
- Excused absences, 1.21, 1.23
- Executive matters, presentation of reports,  
12.7
- Extensions
  - Additional proposals, vote required to  
consider, 11.5
  - Concurrent resolution, 4.13
  - Conference committee report, reading, 4.5
  - Motion to indefinitely postpone during  
session, effect, 6.9
  - Special order calendar, 4.17
  - Transmittal of bills during, 6.8
- Final day for introduction during regular  
session, 3.7
- Hour of convening, 1.2
- Hours of convening and adjournment,  
schedule, 4.1
- Majority caucus, 1.1
- Motion to indefinitely postpone, effect, 6.9
- Notice of meetings at which legislative  
business discussed, 1.45
- Notice of meetings to discuss conference  
matters, 2.19
- Open session, 12.1
- Presence, announcing, 1.23
- Recess
  - By president, 1.2

## **Regular sessions (Cont.)**

- Motion to, 6.2
- Reference of bills received during, 3.7, 4.6
- Registration re solicitation or acceptance of  
certain contributions, 1.361
- Schedule of meetings, 4.1
- Special order calendar, 4.17
- Transmittal of bills during last 14 days of  
regular session, 6.8

## **Regulated industries committee, 2.1**

## **Reject report of standing subcommittee, motion to, 2.16**

## **Relatives of senators, employment, 1.28**

## **Removal of a senator from a committee, 1.5**

## **Removal of bills from committee**

- Committee substitutes, 4.10, 6.10
- Filed bills, 4.10
- Remove bill from committee, motion to, 4.10
- Special session, 13.5

## **Reports**

- Bills recommitted for failure to provide  
proper notice, 2.7
- Claim bills, 4.81
- Committee on ethics and elections, 12.7
- Committee on rules
  - Changes in rules, 11.3
  - Executive matters, 12.7
  - Motion to waive rule re bills filed after  
final day for introduction, 3.7
- Committee substitutes
  - Favorable report by one committee; effect,  
4.7
  - Filing, 2.15
- Committees
  - Approval by chair, 2.23
  - Inspection, 1.48
  - Order of business, 4.3
  - Publication in calendar, 1.11
  - Special session, 13.5
  - Standing committees, 2.15
  - Standing subcommittees, 2.16
- Conduct and ethics violations, 1.43

# SENATE RULES INDEX

## Reports (Cont.)

- Conference committees
- Copies, availability, 4.5, 13.6
- Messages, transmittal, 6.8
- Order of business, 4.5
- Regular session
  - Deliberation and requirements, 2.19
  - Reading and action, 4.5
- Special session, 13.6
- Credentials committee, 1.24
- Disposal of, 1.48
- Executive matters, 12.7
- Exemptions from public inspection, 1.48
- Filed bills
  - Generally, 3.8
  - Nonreturning senator, by, 3.12
- House amendments to senate bills, 1.18
- Inspection by public, 1.48
- Lobbying violations before committees, 9.7
- More than one reference; unfavorable report
  - by one committee, effect, 4.7
- Rejected by standing committee, 2.16
- Secretary, local bills, 4.6
- Select subcommittees, 2.1
- Special master
  - Claim bills, 4.81
  - Conduct and ethics violations, 1.43, 9.6
  - Executive appointments, 12.7
  - Executive suspensions
    - Floor privilege, 12.12
    - Generally, 12.7, 12.11
  - Lobbying violations, 9.6
- State agencies, reports to standing committees and subcommittees, 2.2

## Reprimand, lobbying violations, 9.6

## Reprimand of senators, 1.43

## Reputation, questions of privilege re, 8.11

## Request a conference committee, motions to, 7.8

## Requisitions, 1.4

## Re-reference

- Companion measures, effect on, 3.11
- Report without proper notice, 2.7

## Re-reference (Cont.)

- Report without quorum of committee, 2.17
- Standing committee report, after, 2.15, 4.6

## Resolutions

- Attestation of passage, 1.13
- “Bill,” “measure,” “question,” or “matter,” inclusion, 11.6
- Capitalization, 3.4, 3.6
- Concurrent
  - Adopting joint rules of the legislature, 4.9, 4.13
  - Extending a legislative session, 4.9, 4.13
  - Generally, 4.13
  - Recalling bill from governor, 4.9, 4.13
  - Setting an effective date for a vetoed bill, 4.9, 4.13
- Copies, 3.6, 3.9
- Deleting everything after the resolving clause and inserting new language
  - Committees, 2.41
  - Floor, 7.4
- Engrossing and enrolling, 1.10
- Form, 3.4, 3.6
- Inspection by public, 1.48
- Joint
  - Coding indicators, 3.1
  - Economic impact statement, 3.13
  - Fiscal note, 3.13
  - Third reading; reference, amendment or postponement, 4.15
- Order of business, origination, 11.3
- Readings, 4.12, 4.13, 4.14
- Recommitment upon report without quorum, 2.17
- Reference, 4.9
- Rules, changes in; origination, 11.3
- Signing by president, 1.4, 4.20
- Signing by secretary, 1.13, 4.20
- Titles, 3.4, 3.6
- Transmittal, 1.10, 1.17
- Vote required, 4.12, 4.13, 4.14

## Resolving clauses

- Concurrent resolutions, 3.6
- Deleting everything after and inserting new language
  - Committees, 2.41
  - Floor, 7.4
- Joint resolutions, 3.4
- Memorials, 3.5
- Resolutions, 3.6

# SENATE RULES INDEX

## **Retirement systems, state; bills affecting**

- Fiscal note, 3.13
- Reference, 4.8

## **Revenue matters, bills dealing with; meetings of groups of conferees, notice of, 2.19**

## **Revenues of state or local governments; bills affecting, 3.13, 4.8**

## **Reviser's bills; amendments to, 7.1**

## **Rise, motions to; committees, 2.33**

## **Rising to point of order requiring an immediate ruling; interruption for, 8.3**

## **Rising to question of privilege; interruption for, 8.3**

## **Roll call**

- Change of votes, recording, 5.2
- Committees, 2.28
- Entry of senator after, 1.23
- Explanation of vote during, 5.5
- Late vote, recording, 5.2
- Order of business, 4.3
- Presence of senator, 1.23
- Secretary; duties re, 1.12
- Sittings, 5.1
- Taking, manner of, 5.1

## **Rooms, committee, control of, 2.22**

## **Rooms, control of, 1.3**

## **Rotunda; posting meeting notices, 1.45, 2.6, 2.10, 2.19, 13.3**

## **Rules**

- "Bill," "measure," "question," or "matter," construction, 11.6

## **Rules (Cont.)**

- Changes in; generally, 11.3
- Clarification, obtaining, 8.7
- Conduct and ethics rules
  - Acceptance of anything to improperly influence, 1.36
  - Advisory opinions re, 1.42, 1.48
  - Complaints re violations, 1.43
  - Conflicts of interest, 1.38
  - Disclosure of certain contributions, 1.361
  - Disclosure of conflict of interest, 1.20, 1.39
  - Disqualification from voting
    - Committees, 1.20, 1.39, 2.27
    - Floor, 1.20, 1.39
  - Employees, 1.41
  - Enforcement of rules, questions of, 1.42
  - Executive session, 12.6
  - Improper influence, 1.36
  - Interpretation of rules, questions of, 1.42
  - Investigations, 1.43
  - Lobbyists, 9.2, 9.35, 9.6, 9.8
  - Lobbyists; advisory opinions re, 9.4
  - Notice of meetings at which legislative business discussed, violations re, 1.49
  - Open meeting violations, 1.49
  - Penalties, 1.361, 1.43
  - Personal conduct, 1.35
  - Personal employment, conflicting, 1.37
  - Personal interest, conflicting, 1.38
  - Questions of privilege re, 8.11
  - Solicitation or acceptance of certain contributions, 1.361
  - Violations of; procedure, 1.43
- Executive suspensions; conflicts between rule 12 and statute, 12.14
- Interpretation, 11.1
- Interruption of speaker, strict enforcement of rule, 2.47, 8.3
- Lobbying violations, recommendations, 9.6
- Lobbyists, advisory opinions re interpretation, 9.4
- Local bill calendar, determining, 4.18
- Local bills; reference to, 4.6
- Notice of meetings; conflict in, 1.46
- Notices of meeting at which legislative business discussed, violations re, 1.49
- Observance of, requiring, 8.7
- Open meeting violations, 1.49
- Parliamentary inquiries
  - Definition, 8.7
  - Interruption of speaker for
    - Committees, 2.47
    - Floor, 8.3

## SENATE RULES INDEX

### Rules (Cont.)

- Penalties for violations
  - Absence from a sitting, 4.2
  - Censure of senator, 1.43
  - Committee meetings, unexcused absence, 2.27
- Conduct and ethics, violations, 1.43
- Employees
  - Absence without permission, 1.31
  - Lobbying by, 1.29
  - Termination, 1.28
- Executive session, confidentiality of; violations, 12.6
- Expulsion of senator, 1.43
- Lobbying violations, 9.6
- Notice of meetings at which legislative business discussed, violations re, 1.49
- Open meeting violations, 1.49
- Reprimand of senator, 1.43
- Voting for another senator or by nonmember
  - Committees, 2.30
  - Floor, 5.3
- Points of order
- Appeals
  - Chair, decisions of committee
    - Certification, 2.23
    - Debate, 2.23
    - Generally, 2.23
    - Interruptions of speaker, 2.47
  - President, decisions of
    - Committee removal, 1.5
    - Generally, 1.4
    - Points of order certified by committees, 2.23
  - Presiding officer, decisions of
    - Debate, 8.10
    - Generally, 8.9
    - Interruptions of speaker, 8.3
  - Removal from committee, 1.5
  - Secretary; decisions at organization session, 1.9
- Committees
  - Chair; authority to decide, 2.23
  - Interruptions of speaker for, 2.47
  - Pending appeals, 2.23
  - Poll, matters reported by, 2.27
- Definition, 8.7
- Economic impact statement, absence of, 3.13
- Fiscal note, absence of, 3.13
- Interruptions of speaker for, 8.3
- Organization session, 1.9
- Pending appeals, 8.9
- President; authority to decide, 1.4

### Rules (Cont.)

- Questioning decision not to abstain from voting re interest, 8.8
- Recommitment for lack of proper notice, 2.7
- Secretary; authority to decide, organization session, 1.9
- Withdrawal of bills from committee, special session, 13.5
- Predetermination, obtaining, 8.7
- Public access to meetings and gatherings; conflict in, 1.46
- Select subcommittees, regulating, 2.1
- Singular number, construction, 11.6
- Special session, 13.1
- Suspension of, 11.2
- “Two-thirds vote,” etc., construction, 11.5
- Vote required for action, construction, 11.4
- Waiver of, 11.2

### Rules committee

- Advisory opinions
  - Lobbyists, to, 9.4
  - Lobbyists, to; compilation of, 9.5
- Appeals; removal from committee, 1.5
- Appointment, 2.1
- Chair
  - Conduct and ethics complaints against, 1.43
  - Consent calendar, 4.17
  - Duties re conduct and ethics complaints, 1.43
  - Local bill calendar, determining, 4.18
  - Reference of bill to a different committee or removal, 4.10
  - Special order calendar, duties re, 4.17, 13.8
- Claim bills, 4.81
- Conduct and ethics violations, 1.43
- Consent calendar, 4.17
- Contributions, certain; received during sessions, 1.361, 9.35
- Disciplinary actions, investigations, 1.43
- Disciplinary actions, recommendations, 1.361
- Employee disputes, recommendations, 1.28
- Executive matters; reference of reports to, 12.7
- Lobbying violations, recommendations, 9.6
- Local bill calendar, 4.18
- Meetings after 50th day, 2.9
- Motion to waive rule re bills or resolutions filed after final day for introduction, duties re, 3.7

# SENATE RULES INDEX

## Rules committee (Cont.)

- Reference of bill to different committee or removal, 4.10
- Registration, requirement for certain, 1.361
- Senate rules, changes in, 11.3
- Special master, conduct and ethics violations, 1.43
- Veto message; reference to, 4.21

## S

### Safety of senate, questions of privilege re, 8.11

### Seal, 14.1

### Seat, contest of, 1.24

## Secretary

- Amendments, duties re, 7.1
- Appropriations bill, duties re
  - Proposed committee bill, 3.9
- Assistants, employment of, 1.8
- Attestation to passage of measures, 1.13
- Attestations, 1.13
- Bills filed after final day for introduction, 3.7
- Calendar, preparation of, 1.11
- Change of vote request, records, 5.2
- Claim bill and special master's report, duties re, 4.81
- Committee amendments; filing with, 2.44
- Committee amendments, forms, 2.39
- Committee meeting places, notices, 2.10
- Committee substitutes, 2.15
- Copies of bills, duties re, 3.9
- Daily calendar, duties re, 1.11, 4.3
- Delivery of bills for introduction
  - Regular session and interim, 3.7
  - Special session, 13.4
- Disclosures of conflict of interest, duties re, 1.39
- Duties, generally, 1.8
- Election of, 1.8
- Electronic roll call system, duties re, 5.1
- Employees, 1.8
- Engrossing; duties re, supervision of, 1.8, 1.10
- Enrolled bills, signing, 4.20
- Enrolling, 1.8, 1.10, 4.20

## Secretary (Cont.)

- Examination of bills prior to introduction, 1.15
- Executive appointments, return of certain documentation, 12.8
- Executive business, disclosure, 12.2
- Executive sessions
  - Duties re, 12.2
  - Journal, keeping, 1.10, 12.5
- Explanations of vote; filing with
  - Committees, 2.31
  - Floor, 5.5
- Filed bills
  - Duties re, 3.8
  - Reference by chair and hearing; notice to, 4.6
- Forms, duties re
  - Amendment, 7.1
  - Amendment, committee, 2.39
  - Bill, 3.1
  - Concurrent resolution, 3.6
  - Joint resolution, 3.4
  - Memorial, 3.5
  - Preparation by, 1.14
  - Resolution, 3.6
  - Secretary; duties re, 1.14
  - Senate resolution, 3.6
  - Standing subcommittee report, 2.16
- House amendments to senate bills, duties re, 1.18
- House messages, duties re, 1.18
- Identification of bills, duties re, 3.10
- Indexes, duties re, 1.16
- Information technology operations, duties re, 1.16
- Introduction of bills, prerequisite, 3.2
- Journal, 1.10, 12.5
- Late vote requests, records, 5.2
- Lobbyists, advisory opinions to; compilation of, 9.5
- Local bills
  - Calendar, omission from and separate distribution, 4.3
  - Review bills placed on calendar, 4.6
- Majority leader; certification of name to, 1.1
- Memorials, attestation, 1.13
- Minority leader, certification of name to, 1.1
- Minority leader pro tempore; certification of name to, 1.1
- Notices of meetings at which legislative business discussed, duties re, 1.45
- Notices of meetings to discuss conference matters; filing notice with, 2.19
- Oath, 1.8
- Organization session, duties re, 1.9

# SENATE RULES INDEX

## Secretary (Cont.)

- Papers
  - Duties re, 1.10
  - Leaving with during absence, 1.22
  - Maintenance and disposal of, 1.48
  - Reading, 1.12
- President designate and president pro tempore designate; certification of names to, 1.1
- Reading papers, 1.12
- Records, duties re, 1.10, 1.48
- Resolutions, attestation, 1.13
- Resolutions, furnishing copies, 3.6
- Retention of bills for period of reconsideration, 6.8
- Roll call, 1.12, 5.1
- Select committee meeting notices; publication, 2.6, 2.8
- Select subcommittees, certain notice required, 2.1
- Senate amendments to house bills, notation on jacket, 7.7
- Senate resolutions, furnishing copies, 3.6
- Staff, employment of, 1.8
- Standing committees
  - Meeting notice and agenda, filing, 2.6
  - Meeting notice, delivery, 2.8
  - Reports, entering in journal, 2.15
- Standing subcommittees
  - Meeting notice and agenda, filing, 2.6
  - Meeting notice, delivery, 2.8
  - Reports, certification, 2.16
- Subcommittee meeting places, notices, 2.10
- Subpoenas, attestation, 1.13
- Summaries of house amendments to senate bills, duties re, 1.18
- Supervision of, 1.8
- Suspended official; filing of defenses, 12.9(3), 12.9(4)
- Term of office, 1.8
- Transmittal of measures, supervision of, 1.10
- Transmittal of messages, duties re, 1.17
- Vacancy, 1.8
- Votes, recording, 5.1
- Voting, duties re, 1.12
- Warrants, attestation of, 1.13
- Withdrawal of bills, certain notice required, 3.8
- Writs, attestation of, 1.13

## Select committees

- Appointment, removal, 1.5, 2.1
- Business, expeditious consideration of, 2.9

## Select committees (Cont.)

- Meeting after 50th day, 2.9
- Meetings, 2.10
- Meetings concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
- Motion to commit to; precedence, 6.2
- Notice of meetings, 2.6, 2.8
- Oaths and affirmations, 2.2
- Officers, appointment of, 2.20
- Records, public inspection, 1.48
- Subpoenas and process, 2.2
- Witnesses, 2.2

## Select subcommittees

- Appointment, 2.1
- Generally, 2.1
- Meetings, 2.10
- Meetings concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
- Motion to commit to, 2.33
- Notice of appointment and charge, 2.1
- Records, public inspection, 1.48
- Reference to, 4.6

## Senate amendments to house bills

- House refusal to concur, motion re, 7.9
- Manner, 7.7
- Manner; committees, 2.43

## Senators

- Absences
  - Attendance
    - Committee meetings
      - Introducer, 2.11
      - Members, 2.27
    - Compelling, 4.2
    - Employees, 1.30, 1.31
    - Executive sessions, 12.2
    - Records, inspection, 1.48
    - Senators, by, 1.20
    - Sittings, 1.20, 4.2
- Committee chair
  - Amendments, preference in presentation, 7.1
  - Call to order, 2.21
  - Generally, 2.25, 2.26
  - Notice of meetings and agenda, duties re, 2.6
  - Temporary alternate, 2.25

## SENATE RULES INDEX

### Senators (Cont.)

- Committee members, 2.27
- Employees, 1.31
- Excused, 1.21, 1.23
- Introducer, committee meetings, 2.11
- Organization session, president and president pro tempore of preceding session, 1.9
- Pairing prohibited, 2.29
- Papers, leaving, 1.22
- President; chair duties, 1.7
- President; reference duties, 4.6
- Reason for
  - Committees, 2.27
  - Floor, 1.20
  - Senators, 1.20, 1.21, 4.2
- Abstention from voting, 1.20, 1.39, 8.8
- Acceptance of anything to improperly influence, 1.36
- Addressing committees, 2.45
- Addressing senate, 8.1
- Advisory opinions re conduct and ethics, requests, 1.42, 1.48
- Amendments, obtaining copies of, 7.1
- Another, voting for, 5.3
- Appeals
  - Chair, decisions of committee
    - Certification, 2.23
    - Debate, 2.23
    - Generally, 2.23
    - Interruptions of speaker, 2.47
  - President, decisions of
    - Committee removal, 1.5
    - Generally, 1.4
    - Points of order certified by committees, 2.23
  - Presiding officer, decisions of
    - Debate, 8.10
    - Generally, 8.9
    - Interruptions of speaker, 8.3
  - Removal from committee, 1.5
  - Secretary; decisions at organization session, 1.9
- Appellations
  - Committees, 2.45
  - Floor, 8.1
- Attendance
  - Absence
    - Committee chair
      - Amendments, preference in presentation, 7.1
      - Call to order, 2.21
      - Generally, 2.25, 2.26
      - Notice of meetings and agenda, duties re, 2.6

### Senators (Cont.)

- Temporary alternate, 2.25
- Committee members, 2.27
- Employees, 1.31
- Excused, 1.21, 1.23
- Introducer, committee meetings, 2.11
- Organization session, president and president pro tempore of preceding session, 1.9
- Pairing prohibited, 2.29
- Papers, leaving, 1.22
- President; chair duties, 1.7
- President; reference duties, 4.6
- Reason for
  - Committees, 2.27
  - Floor, 1.20
  - Senators, 1.20, 1.21, 4.2
- Committee meetings
  - Introducer, 2.11
  - Members, 2.27
- Compelling, 4.2
- Employees, 1.30, 1.31
- Executive sessions, 12.2
- Records, inspection, 1.48
- Senators, by, 1.20
- Sittings, 1.20, 4.2
- Attire in chamber, 10.4
- Censure, 1.43
- Chamber, admission to, 10.1
- Co-introduction, 3.12
- Commissions, membership on nonlegislative, 1.26
- Committee members, as
  - Amendments; obtaining copies in advance of meeting, 2.39
- Appellations, 2.45
- Appointment, 1.5, 2.1
- Appropriations bill; obtaining copies in advance of meeting, 3.9
- Attendance, 2.27
- Chair duties, assignment to, 2.25
- Change of vote requests, 2.28
- Division of question, calls for, 2.34
- Excused absence, 2.27
- Explanation of vote, 2.31
- Quorum, questioning existence of, 2.17
- Removal; appeal, 1.5
- Speaking limit, 2.49
- Speaking rights, 2.48
- Unregistered lobbyists, permitting, 9.7
- Verification of vote, request for, 2.28
- Vote, request to record, 2.15
- Voting by, 2.27
- Voting for another in committee, 2.30

## SENATE RULES INDEX

### Senators (Cont.)

- Committee substitutes, co-introducing, 2.15, 2.16
- Committees outside legislature, membership on, 1.26
- Conduct
  - Acceptance of anything to improperly influence, 1.36
  - Advisory opinions re, 1.42, 1.48
  - Complaints re violations, 1.43
  - Conflicts of interest, 1.38, 1.39
  - Disclosure of certain contributions, 1.361
  - Disclosure of conflict of interest, 1.39
  - Disqualification from voting
    - Committees, 1.20, 1.39, 2.27
    - Floor, 1.20, 1.39
  - Employees, 1.41
  - Enforcement of rules, questions of, 1.42
  - Executive session, 12.6
  - Improper influence, 1.36
  - Interpretation of rules, questions of, 1.42
  - Investigations, 1.43
  - Lobbyists, 9.2, 9.35, 9.6, 9.8
  - Lobbyists; advisory opinions re, 9.4
  - Notice of meetings at which legislative business discussed, violations re, 1.49
  - Open meeting violations, 1.49
  - Penalties, 1.361, 1.43
  - Personal conduct, 1.35
  - Personal employment, conflicting, 1.37
  - Personal interest, conflicting, 1.38
  - Questions of privilege re, 8.11
  - Solicitation or acceptance of certain contributions, 1.361
  - Violations of; procedure, 1.43
- Conference committee reports, obtaining copies, 4.5
- Conflicts of interest
  - Disclosure, 1.20, 1.39
  - Disqualification from voting re
    - Committees, 1.20, 1.39, 2.27
    - Floor, 1.20, 1.39
  - Employees, 1.41
  - Personal employment, 1.37
  - Questioning decision not to abstain from voting, 8.8
  - Use of influence, 1.38
- Congressional redistricting information, access to, 1.47
- Contest of seat, 1.24
- Debate
  - Address, manner of, 8.1
  - Amendments to title or corrective amendments, 7.2

### Senators (Cont.)

- Appeals from decisions of
  - Committee chair, 2.23
  - Presiding officer, 8.10
  - Presiding officer during debate, 8.9
- Committee debate
  - Address, manner of, 2.45
  - Appeals, 2.23
  - Bills reported favorably by standing subcommittees, 2.16
  - Consider bill out of regular order, motion to, 2.12
  - Interruptions of speaker, 2.47
  - Limit debate, motion to
    - Extension of limit, 2.50
    - Generally, 2.50
    - Precedence, 2.33
  - Motions, order of precedence, 2.33
  - Priority of business, questions re, 2.51
  - Reconsider, motion to, 2.37
  - Speaking limit, 2.49
  - Speaking rights, 2.48
  - Time allowed to close, 2.48
- Consider bill out of regular order, motion to, 4.16
- Decorum
  - Appellations, 8.1
  - Avoiding personality, 8.1
  - Committees
    - Appellations, 2.45
    - Avoiding personality, 2.45
    - Committee chairs, authority, 2.13, 2.22
    - Confining remarks to question under debate, 2.45
  - Conference committee meetings, 2.19
  - Confining remarks to question under debate, 8.1
  - Employees, disputes re, 1.28
  - Meetings at which legislative business discussed, 1.44
  - Organization session, 1.9
  - President; authority re, 1.3
- Interruptions of speaker, 8.3
- Limit debate, motion to
  - Generally, 8.6
  - Precedence, 6.2
- Motions, order of precedence, 6.2
- Questions of privilege during, 8.11
- Recognition
  - Amendment by section or item; order, 7.5
  - Amendments, sponsors of, 7.1
  - Committees
    - Amendment by section or item; order, 2.42

## SENATE RULES INDEX

### Senators (Cont.)

- Amendments, sponsors of, 2.39
- Order of, 2.46
- Requests for, 2.45
- Order of, 8.2
- Requests for, 8.1
- Reconsider, motion to, 6.6
- Speaking limit, 8.5
- Speaking rights, 8.4
- Time allowed to close, 8.4
- Waive a rule, motion to, 11.2
- Decision to abstain from voting, 1.20, 1.39, 8.8
- Decorum
  - Appellations, 8.1
  - Avoiding personality, 8.1
  - Committees
    - Appellations, 2.45
    - Avoiding personality, 2.45
    - Committee chairs, authority, 2.13, 2.22
    - Confining remarks to question under debate, 2.45
  - Conference committee meetings, 2.19
  - Confining remarks to question under debate, 8.1
  - Debate
    - Address, manner of, 8.1
    - Amendments to title or corrective amendments, 7.2
    - Appeals from decisions of
      - Committee chair, 2.23
      - Presiding officer, 8.10
      - Presiding officer during debate, 8.9
  - Committee debate
    - Address, manner of, 2.45
    - Appeals, 2.23
    - Bills reported favorably by standing subcommittees, 2.16
    - Consider bill out of regular order, motion to, 2.12
    - Interruptions of speaker, 2.47
    - Limit debate, motion to
      - Extension of limit, 2.50
      - Generally, 2.50
      - Precedence, 2.33
    - Motions, order of precedence, 2.33
    - Priority of business, questions re, 2.51
    - Reconsider, motion to, 2.37
    - Speaking limit, 2.49
    - Speaking rights, 2.48
    - Time allowed to close, 2.48
  - Consider bill out of regular order, motion to, 4.16

### Senators (Cont.)

- Interruptions of speaker, 8.3
- Limit debate, motion to
  - Generally, 8.6
  - Precedence, 6.2
- Motions, order of precedence, 6.2
- Questions of privilege during, 8.11
- Recognition
  - Amendment by section or item; order, 7.5
  - Amendments, sponsors of, 7.1
- Committees
  - Amendment by section or item; order, 2.42
  - Amendments, sponsors of, 2.39
  - Order of, 2.46
  - Requests for, 2.45
  - Order of, 8.2
  - Requests for, 8.1
- Reconsider, motion to, 6.6
- Speaking limit, 8.5
- Speaking rights, 8.4
- Time allowed to close, 8.4
- Waive a rule, motion to, 11.2
- Employees, disputes re, 1.28
- Meetings at which legislative business discussed, 1.44
- Organization session, 1.9
- President; authority re, 1.3
- Disciplinary actions, 1.361, 1.43
- Disclosure re acceptance or solicitation of certain contributions, 1.361
- Disclosures of interest, 1.20, 1.39
- Division of question, calls for, 6.3
- Employees, 1.28, 1.29, 1.30, 1.31, 1.32, 2.11
- Excused absences, 1.21, 1.23
- Executive sessions, unseating for violating confidentiality, 12.6
- Expenses, 1.25
- Expulsion, 1.43
- Facilities, 1.25
- Families of; reserved gallery section, 10.1
- Filed bills, 4.10
- Fiscal notes; copies to, 3.13
- Former members, admission to chamber, 10.1
- Influence, use of, 1.38
- Interruptions, when allowed, 8.3
- Intradistrict allotment expenditure records, public inspection, 1.48
- Introducers, as
  - Bill jacket, name on, 3.1, 3.12
  - Committee meetings
    - Attendance, 2.11
    - Considering bill out of order for, 2.12

## SENATE RULES INDEX

### Senators (Cont.)

- Debate, time allowed to close, 2.48
- Motion to limit debate, rights re, 2.50
- Committee substitutes, 2.15, 4.7
- Constitutionality and legal correctness, responsibility for, 1.15
- Debate, time allowed to close, 8.4
- Delivery for introduction, 3.7
- Index by, 1.16
- Motion to limit debate, rights re, 8.6
- Name on bill jacket, 3.1, 3.12
- Nonreturning senator, 3.12
- Reference, recommendations re, 4.6
- Legal services, certain expenses, 1.4
- Legislative redistricting information, access to, 1.47
- Meetings between legislators re legislative business, 1.44
- Motions
  - Adjourn, to; precedence, 6.2
  - Adjourn, to; precedence over questions of privilege, 8.11
  - Amend, to; precedence, 6.2
  - Amend the amendment, 7.3
  - Amend the house amendment, 7.8
  - Amend the house bill, 7.7
  - Amend the substitute, 7.3
  - Bills filed after final day for introduction, waive rules re, 3.7
  - Commit to a select committee, precedence, 6.2
  - Commit to a standing committee, precedence, 6.2
  - Committee motions
    - Amend, 2.33
    - Conference committee; taking final action, 2.19
    - Consider bill out of order, 2.12
    - Delete and insert, 2.34
    - Division of question, 2.34
    - Limit debate, 2.50
    - Making, 2.32
    - Oral, 2.32
    - Precedence, 2.33
  - Reconsider
    - Collateral matters, 2.38
    - Debate, 2.37
    - Generally, 2.35
    - Precedence, 2.33
    - Vote required, 2.36
    - Withdrawal, 2.32
  - Reject report of standing subcommittee, 2.16
  - Seconds, 2.32
  - Vote on, 2.32

### Senators (Cont.)

- Withdrawal of, 2.32
- Written, 2.32
- Committee reference, re; order of business, 4.3
- Companion measures re, 3.11
- Concur in the house amendment, 7.8
- Concurrent resolution to recall bill from governor, take up, 4.9
- Conference committee, request a, 7.8, 7.9
- Consider bill out of regular order, 4.16
- Delete and insert, 6.3
- Discharge senate conferees and appoint new conferees
  - Regular session, 2.19, 6.2
  - Special session, 13.6
- Division of question, 6.3
- House amendments to senate bills re, 7.8
- House refusal to concur in senate amendments re, 7.9
- Immediately certify bill to house, waive the rules and, 6.8
- Insist, that the senate, 7.9
- Insist and request a conference committee, that the senate, 7.9
- Instruct conferees
  - Regular session, 2.19, 6.2
  - Special session, 13.6
- Lay on the table, 6.2
- Limit debate, 8.6
- Limit debate, precedence, 6.2
- Making, 6.1
- Oral, 6.1
- Out of order, 2.38, 6.7
- Postpone indefinitely
  - Application and effect, 6.9
  - Precedence, 6.2
- Postpone to a day certain, precedence, 6.2
- Postpone to a time beyond last day allowed for session, construction, 6.9
- Precedence
  - Generally, 6.2
  - Privileged questions, 8.11
- Previous question, 6.2
- Privileged questions, precedence, 8.11
- Procedural motions, motion to reconsider, 6.7
- Proceed to the consideration of executive business, precedence, 6.2
- Recede, that the senate, 7.9
- Recess, precedence over questions of privilege, 8.11
- Recess, take a; precedence, 6.2
- Reconsider
  - Collateral matters, 6.7

## SENATE RULES INDEX

### Senators (Cont.)

- Committee motions
  - Collateral matters, 2.38
  - Debate, 2.37
  - Generally, 2.35
  - Precedence, 2.33
  - Vote required, 2.36
  - Withdrawal, 2.32
- Debate, 6.6
- Generally, 6.4
- Precedence, 6.2
- Procedural motions, 6.7
- Special session, 13.7
- Vote required, 6.5
- Withdrawal, 6.1
- Refer to a different committee, 4.10
- Refuse to concur in the house amendment and ask the house to recede, 7.8
- Remove bill from committee
  - Filed bills, 4.10
  - Order of business, 4.10
- Request a conference committee, 7.8
- Rule requiring unanimous consent, waive, 11.2
- Second reading, disposition on, 4.19
- Seconds, 6.1
- Substitute motions, 6.2
- Temporarily postpone, motion to, 6.11
- Temporarily postpone, precedence, 6.2
- Waive a rule, generally, 11.2
- Withdrawal of, 6.1, 4.10
- Written, 6.1
- Nonlegislative appointments, accepting, 1.26
- Nonreturning senator, bills filed by, 3.12
- Organization session, delegation of duties by secretary, 1.9
- Papers, leaving in absence, 1.22
- Papers of miscellaneous nature, objections, 4.11
- Parliamentary inquiries
  - Definition, 8.7
  - Interruption of speaker for
    - Committees, 2.47
    - Floor, 8.3
- Penalties
  - Absence from a sitting, 4.2
  - Censure of senator, 1.43
  - Committee meetings, unexcused absence, 2.27
  - Conduct and ethics, violations, 1.43
  - Executive session, confidentiality of; violations, 12.6
  - Expulsion of senator, 1.43
  - Notice of meetings at which legislative business discussed, violations re, 1.49

### Senators (Cont.)

- Open meeting violations, 1.49
  - Reprimand of senator, 1.43
  - Voting for another senator or by nonmember
    - Committees, 2.30
    - Floor, 5.3
  - Personal conduct, 1.35
  - Personal employment, conflicting, 1.37
  - Personal interest, conflict with duties, 1.38
  - Points of order
    - Appeals
      - Chair, decisions of committee
        - Certification, 2.23
        - Debate, 2.23
        - Generally, 2.23
        - Interruptions of speaker, 2.47
      - President, decisions of
        - Committee removal, 1.5
        - Generally, 1.4
        - Points of order certified by committees, 2.23
      - Presiding officer, decisions of
        - Debate, 8.10
        - Generally, 8.9
        - Interruptions of speaker, 8.3
      - Removal from committee, 1.5
    - Secretary; decisions at organization session, 1.9
  - Committees
    - Chair; authority to decide, 2.23
    - Interruptions of speaker for, 2.47
    - Pending appeals, 2.23
    - Poll, matters reported by, 2.27
  - Definition, 8.7
  - Economic impact statement, absence of, 3.13
  - Fiscal note, absence of, 3.13
  - Interruptions of speaker for, 8.3
  - Organization session, 1.9
  - Pending appeals, 8.9
  - President; authority to decide, 1.4
  - Questioning decision not to abstain from voting re interest, 8.8
  - Recommitment for lack of proper notice, 2.7
  - Secretary; authority to decide, organization session, 1.9
  - Withdrawal of bills from committee, special session, 13.5
- Prearranged gatherings between, 1.46
  - Presence, announcing, 1.23
  - Presiding officer, designation as, 1.7
  - Questions of personal privilege, 8.11
  - Quorum, questioning existence, 4.2

## SENATE RULES INDEX

### Senators (Cont.)

- Reapportionment information, access to, 1.47
- Recognition
  - Amendment by section or item; order, 7.5
  - Amendments, sponsors of, 7.1
- Committees
  - Amendment by section or item; order, 2.42
  - Amendments, sponsors of, 2.39
  - Order of, 2.46
  - Requests for, 2.45
- Order of, 8.2
- Requests for, 8.1
- Records, public inspection, 1.48
- Registration with committee on rules, 1.361
- Relatives, employment, 1.28
- Removal from committee, 1.5
- Reprimand, 1.43
- Reputation, questions of privilege re, 8.11
- Rights, questions of privilege re, 8.11
- Seat, contest of, 1.24
- Solicitation or acceptance of certain contributions, 1.361
- Speaking
  - Address, manner of, 8.1
  - Amendments to title or corrective amendments, 7.2
  - Appeals from decisions of
    - Committee chair, 2.23
    - Presiding officer, 8.10
  - Presiding officer during debate, 8.9
- Committee debate
  - Address, manner of, 2.45
  - Appeals, 2.23
  - Bills reported favorably by standing subcommittees, 2.16
  - Consider bill out of regular order, motion to, 2.12
  - Interruptions of speaker, 2.47
  - Limit debate, motion to
    - Extension of limit, 2.50
    - Generally, 2.50
    - Precedence, 2.33
  - Motions, order of precedence, 2.33
  - Priority of business, questions re, 2.51
  - Reconsider, motion to, 2.37
  - Speaking limit, 2.49
  - Speaking rights, 2.48
  - Time allowed to close, 2.48
- Consider bill out of regular order, motion to, 4.16
- Decorum
  - Appellations, 8.1
  - Avoiding personality, 8.1

### Senators (Cont.)

- Committees
  - Appellations, 2.45
  - Avoiding personality, 2.45
  - Committee chairs, authority, 2.13, 2.22
  - Confining remarks to question under debate, 2.45
  - Conference committee meetings, 2.19
  - Confining remarks to question under debate, 8.1
  - Employees, disputes re, 1.28
  - Meetings at which legislative business discussed, 1.44
  - Organization session, 1.9
  - President; authority re, 1.3
- Interruptions of speaker, 8.3
- Limit debate, motion to
  - Generally, 8.6
  - Precedence, 6.2
- Motions, order of precedence, 6.2
- Questions of privilege during, 8.11
- Recognition
  - Amendment by section or item; order, 7.5
  - Amendments, sponsors of, 7.1
- Committees
  - Amendment by section or item; order, 2.42
  - Amendments, sponsors of, 2.39
  - Order of, 2.46
  - Requests for, 2.45
- Order of, 8.2
- Requests for, 8.1
- Reconsider, motion to, 6.6
- Speaking limit, 8.5
- Speaking rights, 8.4
- Time allowed to close, 8.4
- Waive a rule, motion to, 11.2
- Spouse, employment of, 1.28
- Standing committee and subcommittee meetings, copy of schedule, 2.10
- Summaries of house amendments to senate bills; notice to, 1.18
- Task forces, membership on nonlegislative, 1.26
- Unseating for violation of confidentiality of executive sessions, 12.6
- Votes and voting
  - Action, generally, 11.4
  - Amend the house amendment, motion to, 7.8
  - Amendment on second reading, 7.2
  - Amendment on third reading, 4.15, 7.2
  - Amendments to amendment on third reading, 7.2

## SENATE RULES INDEX

### Senators (Cont.)

- Announcing the vote, 5.1
- Another senator, voting for, 5.3
- Ballot, election by, 5.6
- Censure of senator, 1.43
- Change vote, 5.2
- Committees
  - Action, generally, 2.27
  - Announcing the vote, 2.28
  - Another senator, voting for, 2.30
  - Bills with favorable reports from
    - standing subcommittees, additional testimony, 2.16
  - Certification of questions of
    - parliamentary procedure, 2.23
  - Chair, by, 2.24
  - Change of vote, 2.28
  - Conference reports, 2.19
  - Consider bill out of regular order, 2.12
  - Declaring the vote, 2.28
  - Deferring or explaining vote, 2.31
  - Equal division, effect of, 2.28
  - Explanation of vote, 2.31
  - Late vote, 2.28
  - Limit debate
    - Extension of limit, 2.50
    - Motion to, 2.50
  - Majority action, 2.27
  - Meetings, holding during session, 2.10
  - Nonmember, voting by, 2.30
  - Pairing prohibited, 2.29
  - Proxy, by, 2.27
  - Questioning a vote, 2.28
  - Reconsider, further motion to, 2.35
  - Reconsider, motion to, 2.36
  - Reconsider instant, motion to, 2.35
  - Record of votes, inspection, 1.48
  - Recording of votes, 2.15
  - Reject report of standing subcommittee,
    - motion to, 2.16
  - Request to vote or change vote, 2.28
  - Roll call, 2.28
  - Select subcommittee reports, action re,
    - 2.1
  - Show of hands, questioning a vote, 2.28
  - Speaking limit, motion to extend, 2.49
  - Taking the vote, 2.28
  - Tie votes, 2.28
  - Verification of vote, 2.28
  - Vice chair, by, 2.24
  - Voice vote, reconsideration, 2.35
  - Yeas and nays, counting, 2.28
- Companion measures, motion re, 3.11
- Concur in the house amendment, motion to, 7.8

### Senators (Cont.)

- Concurrent resolutions, 4.13
- Conference committee
  - Motion to request, 7.8
  - Reports
    - Regular session, 4.5
    - Special session, 13.6
- Consider bill out of regular order, 4.16
- Consider certain bills, 4.3
- Contested seat, 1.24
- Counting votes, 1.12
- Declaring the vote, 5.1
- Disciplinary actions, 1.361, 1.43
- Disqualification, 1.20
- Disqualification, disclosure, 1.39
- Election by ballot, 5.6
- Electronic roll call system, 5.1
- Equal division, effect, 5.1
- Executive appointments or suspensions, to
  - consider, 12.3
- Executive matters, confidentiality, 12.4
- Explanation of vote, 5.5
- Expulsion of senator, 1.43
- Extended session, consideration of
  - additional proposals, 11.5
- Generally, 11.4
- House amendments to senate bills, motion re, 7.8
- House refusal to concur in senate amendments, motion re, 7.9
- Insist, motion that the senate, 7.9
- Insist and request a conference committee,
  - motion that the senate, 7.9
- Late vote, 5.2
- Limit debate, motion to, 8.6
- Lobbying violations, take action on, 9.6
- Majority action, 11.4
- Memorials, 4.13
- More than one reference, unfavorable report by one committee; further consideration, 4.7
- Nonmember, by, 5.3
- Passage of bill or joint resolution, 4.12
- Postponement to a day certain on third reading, 4.15
- President, voting by, 1.6
- Questioning a vote, 2.28, 5.1
- Questioning decision not to abstain from voting re interest, 8.8
- Reading of bill in full, to require, 4.12
- Reading of miscellaneous papers,
  - objections, 4.11
- Recede, motion that the senate, 7.9
- Recommitment after standing committee report, 2.15

## SENATE RULES INDEX

### Senators (Cont.)

- Recommitment on third reading, 4.15
- Reconsider, further motion to, 6.4
- Reconsider, motion to, 6.5
- Records, inspection, 1.48
- Refer to a different committee, motion to, 4.10
- Reference on third reading, 4.15
- Refuse to concur in the house amendment and ask the house to recede, motion to, 7.8
- Report on changes in rules, amendment of, 11.3
- Reprimand of senator, 1.43
- Request a conference committee, motion to, 7.8
- Resolutions, 4.14
- Roll call
  - Change of vote, recording, 5.2
  - Electronic roll call system, 5.1
  - Entry after, 1.23
  - Explanation of vote during, 5.5
  - Late vote, recording, 5.2
  - Order of business, 4.3
  - Secretary; duties re, 1.12
- Secretary; duties re, 1.12
- Senators, by, 1.20
- Show of hands
  - Counting, 1.12
  - Questioning a vote, 5.1
- Speaking limit, motion to extend, 8.5
- Special order calendar
  - Establishing, 4.17
  - Striking or adding bills, 4.17
- Standing committee reports, special session; extensions of time, 13.5
- Suspension of rules, 11.2
- Taking the vote, 5.1
- Tie vote, 5.1
- Title or corrective amendments, 7.2
- “Two-thirds vote,” etc., construction, 11.5
- Verification of vote, 5.2
- Voice vote
  - Concurrent resolutions, 4.13
  - Memorials, 4.13
  - Questioning
    - Committee, 2.28
    - Floor, 5.1
  - Reconsideration, 6.4
  - Resolutions, 4.14
- Waive a rule, motion to, 11.2
- Waive the rules and immediately certify bill to house, motion to, 6.8
- Waiver of requirement re three readings, 4.12

### Senators (Cont.)

- Waiver of rule requiring unanimous consent, 11.2
- Yeas and nays
  - Calling president’s name, 1.6
- Recording, 1.12
- Taking, 5.1
- Withdrawal of bills, 3.8

### Sessions

- Absence, leaving papers during, 1.22
- Admission to chamber
  - Admission, generally, 10.1
  - Attire, 10.4
  - Conference matters, meetings re; restrictions, 2.19
  - Control of, 1.3
  - Discussions of legislative business on floor during a sitting, 1.44
  - Lobbyists, admission of, 10.2
  - Media, admission of, 10.3
  - Nonmember voting for senator, exclusion, 5.3
  - Senators; presence during a sitting, 1.20
  - Special master, floor privilege, 12.12
- Announcement of committee and subcommittee meetings
  - Interim, 2.6
  - Regular session, 2.6
  - Special session, 13.3
- Attendance by senators, 1.20
- Attire, 10.4
- Call to order, 1.2
- Claim bills, reports of special master, 4.81
- Closed sessions, 12.1
- Conference committee reports, 4.5
- Employees, hours of duty, 1.30
- Excused absences, 1.21, 1.23
- Executive matters, presentation of reports, 12.7
- Executive sessions
  - Appointments, consideration, 12.2
  - Attendance, 12.2
  - Authority, 12.1
  - Confidentiality
    - Generally, 1.48, 12.4
    - Violation of rule, 12.6
  - Journal, secretary’s duties re, 1.10, 12.5
  - Journal, separate, 1.10, 12.5
  - Motion to proceed to consideration of executive business, precedence, 6.2
  - Penalties, violation of confidentiality, 12.6
  - Records, public inspection, 1.48

# SENATE RULES INDEX

## Sessions (Cont.)

- Removals, 12.2
- Reports, 12.7
- Resolving into, 12.2
- Secretary; duties re, 12.2
- Suspensions, consideration, 12.2
- Vote required to consider appointments or suspensions in, 12.3
- Extensions
  - Additional proposals, vote required to consider, 11.5
  - Conference committee report, reading, 4.5
  - Motion to indefinitely postpone during session, effect, 6.9
  - Special order calendar, 4.17
  - Transmittal of bills during, 6.8
- Final day for introduction during regular session, 3.7
- Hour of convening, 1.2
- Hours of convening and adjournment, schedule, 4.1
- Majority caucus, 1.1
- Motion to indefinitely postpone, effect, 6.9
- Notice of meetings at which legislative business discussed, 1.45
- Notice of meetings to discuss conference matters, 2.19
- Open session, 12.1
- Organization session
  - Call to order, 1.9
  - Contested seat, 1.24
  - Elections, 1.1
  - Minority leader and leader pro tempore, certification of names, 1.1
  - Questions of order, 1.9
- Presence, announcing, 1.23
- Recess
  - By president, 1.2
  - Motion to, 6.2
- Reference of bills received during, 3.7
- Registration re solicitation or acceptance of certain contributions, 1.361
- Schedule of meetings, 4.1
- Special order calendar, 4.17
- Special session
  - Committee meetings, schedule and notice, 13.3
  - Committee reports, 13.5
  - Conference committees, 2.19, 13.6
  - Delivery of bills for introduction, 13.4
  - Hour of convening, 13.2
  - Motion to discharge and appoint new conferees or to instruct conferees, 13.6
  - Motion to reconsider, 13.7

## Sessions (Cont.)

- Notice of meetings
  - Conference matters, discussing, 2.19
  - Legislative business, discussing, 1.45
- Reconsider, motions to, 13.7
- Schedule, 13.2
- Senate rules, applicability of, 13.1
- Special order calendar, 13.8
- Standing committee and subcommittee reports, 13.5
- Transmittal of bills, 6.8
- Transmittal of bills during last 14 days of regular session, 6.8

## Show of hands

- Counting, 1.12
- Questioning a vote, 5.1

## Singular number, use in senate rules, 11.6

## Site visits, 2.6

## Solicitation or acceptance of certain contributions during session, 1.361

## Speaker of the house of representatives

- Meetings of president with; notice, 1.45
- Meetings of president with speaker and governor re conference matters, notice of, 2.19
- Meetings of senate conferees with; notice, 2.19
- Prearranged gatherings with; public access, 1.46

## Speaking

- Address, manner of, 8.1
- Amendments to title or corrective amendments, 7.2
- Appeals from decisions of
  - Committee chair, 2.23
  - Presiding officer, 8.10
  - Presiding officer during debate, 8.9
- Committee debate
  - Address, manner of, 2.45
  - Appeals, 2.23
  - Bills reported favorably by standing subcommittees, 2.16

# SENATE RULES INDEX

## **Speaking (Cont.)**

- Consider bill out of regular order, motion to, 2.12
- Interruptions of speaker, 2.47
- Limit debate, motion to
  - Extension of limit, 2.50
  - Generally, 2.50
  - Precedence, 2.33
- Motions, order of precedence, 2.33
- Priority of business, questions re, 2.51
- Reconsider, motion to, 2.37
- Speaking limit, 2.49
- Speaking rights, 2.48
- Time allowed to close, 2.48
- Consider bill out of regular order, motion to, 4.16
- Decorum
  - Appellations, 8.1
  - Avoiding personality, 8.1
- Committees
  - Appellations, 2.45
  - Avoiding personality, 2.45
  - Committee chairs, authority, 2.13, 2.22
  - Confining remarks to question under debate, 2.45
- Conference committee meetings, 2.19
- Confining remarks to question under debate, 8.1
- Employees, disputes re, 1.28
- Meetings at which legislative business discussed, 1.44
- Organization session, 1.9
- President; authority re, 1.3
- Interruptions of speaker, 8.3
- Limit debate, motion to
  - Generally, 8.6
  - Precedence, 6.2
- Motions, order of precedence, 6.2
- Questions of privilege during, 8.11
- Recognition
  - Amendment by section or item; order, 7.5
  - Amendments, sponsors of, 7.1
- Committees
  - Amendment by section or item; order, 2.42
  - Amendments, sponsors of, 2.39
  - Order of, 2.46
  - Requests for, 2.45
- Order of, 8.2
- Requests for, 8.1
- Reconsider, motion to, 6.6
- Speaking limit, 8.5
- Speaking rights, 8.4
- Time allowed to close, 8.4
- Waive a rule, motion to, 11.2

## **Special master, claim bills, 4.81**

## **Special master, conduct and ethics violations, 1.43**

## **Special master, executive matters**

- Appointment of, 12.7, 12.11
- Appointments; reference to, 12.7
- Duties, 12.7
- Floor privilege re report, 12.12
- Oaths and affirmations, administration, 12.13
- Reports, 12.7
- Subpoenas and other process, authority, 12.13
- Suspensions
  - Abeysance of investigation and proceedings, 12.9(2)
  - Amended order, 12.9(1)
  - Appointment, 12.7, 12.11
  - Evidence, disposition, 12.9(6)
  - Governor's bill of particulars, request for, 12.9(4)
  - Hearings and notice, 12.9(1), 12.9(3)
  - Instituting actions, time limits, 12.9(1), 12.9(2)
  - Prehearing conferences, 12.9(3)
  - Reference to, 12.7, 12.9, 12.11
  - Reports, 12.11

## **Special order calendar**

- Establishing, 4.1, 4.17
- Order of business, 4.3
- Regular session, 4.17
- Special session, 13.8

## **Special sessions**

- Committee meetings, schedule and notice, 13.3
- Committee reports, 13.5
- Conference committees, 2.19, 13.6
- Deadlines for filing, 13.3, 13.8
- Delivery of bills for introduction, 13.4
- Hour of convening, 13.2
- Motion to discharge and appoint new conferees or to instruct conferees, 13.6
- Motion to reconsider, 13.7
- Notice of meetings
  - Conference matters, discussing, 2.19
  - Legislative business, discussing, 1.45
- Reconsider, motions to, 13.7

# SENATE RULES INDEX

---

## **Special sessions (Cont.)**

- Schedule, 13.2
- Senate rules, applicability of, 13.1
- Special order calendar, 13.8
- Standing committee and subcommittee reports, 13.5
- Transmittal of bills, 6.8

## **Sponsor**

- Bill jacket, name on, 3.1, 3.12
- Committee meetings
  - Attendance, 2.11
  - Considering bill out of order for, 2.12
  - Debate, time allowed to close, 2.48
  - Motion to limit debate, rights re, 2.50
- Committee substitutes, 2.15, 4.7
- Constitutionality and legal correctness, responsibility for, 1.15
- Debate, time allowed to close, 8.4
- Delivery for introduction, 3.7
- Index by, 1.16
- Motion to limit debate, rights re, 8.6
- Name on bill jacket, 3.1, 3.12
- Nonreturning senator, 3.12
- Reference, recommendations re, 4.6

## **Sponsor of amendments, recognition of,** 2.39, 7.1

## **Spouses of senators, employment, 1.28**

## **Staff**

- Absence without permission, 1.31
- Aides, hours of duty, 1.30
- Assignment and supervision, 2.4
- Chamber, admission to, 10.1
- Committee administrative assistants, 1.39, 2.15, 2.39
- Committees, 2.4, 2.11
- Compensation, forfeiture, 1.31
- Conflicts of interest, 1.41
- Dismissal for lobbying, 1.29
- Disputes involving, 1.28
- Duties, 1.30
- Hours of duty, 1.30
- Joint utilization with house, 2.4
- Lobbying by, 1.29
- Part-time; hours of employment, 1.30
- Political activities, 1.32
- Records, public inspection, 1.48

## **Staff (Cont.)**

- Relatives of senators, 1.28
- Secretary, assistants to, 1.8
- Spouses of senators, 1.28
- Staff, presenting committee bill at certain meetings, 2.11
- Termination
  - Absence without permission, for, 1.31
  - By president, 1.28

## **State agencies**

- Fiscal notes; obtaining data from, 3.13
- Reports to standing committees and subcommittees, 2.2

## **State retirement systems, bills affecting,** 3.13, 4.8

## **Stipulation of claim bill litigants, effect, 4.81**

## **Striking everything after enacting clause; conference committees** Regular session, 2.19 Special session, 13.6

## **Subcommittee on criminal and civil justice,** 2.1

## **Subcommittee on education, 2.1**

## **Subcommittee on general government, 2.1**

## **Subcommittee on health and human services, 2.1**

## **Subcommittee on transportation, tourism, and economic development, 2.1**

## **Subcommittees, select**

- Appointment, 2.1
- Generally, 2.1
- Meetings, 2.10

# SENATE RULES INDEX

## **Subcommittees, select** (Cont.)

- Meetings concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
- Motion to commit to, 2.33
- Notice of appointment and charge, 2.1
- Records, public inspection, 1.48
- Reference to, 4.6

## **Subcommittees, standing**

- Agenda, bills on, 2.6, 2.12, 2.39
- Amend, motion to, 2.33
- Amendments
  - Amendments by previous committee, 2.44
  - Amendments to amendments, 2.40
  - Availability, 2.39
  - Consideration, prerequisites to, 2.39
  - Deadlines for filing, 2.39
  - Delete and insert, motion to; effect, 2.34
  - Deleting everything after enacting or resolving clause and inserting new language, effect, 2.41
  - Filing with committee administrative assistant, 2.39
  - Filing with secretary, 2.44
  - Form of an amendment, admitting proposition under, 2.39
  - Forms, 2.39
  - Germanity, 2.39, 2.41
  - House bills, to, 2.43
  - Item by item, 2.42
  - Manner of consideration, 2.39
  - Notice of, 2.39
  - Out of order, 2.40
  - Pending amendments, to, 2.40
  - Preference in presentation, 7.1
  - Section by section, 2.42
  - Standing committees, 2.15
  - Standing subcommittees, 2.16
  - Substitute amendments, 2.40
- Appeals
  - Certification, 2.23
  - Debate, 2.23
  - Generally, 2.23
  - Interruptions of speaker, 2.47
- Appellations, 2.45
- Appointment, 1.5, 2.1
- Attendance by introducer, 2.11
- Attendance of members, 2.27
- Bills introduced by
  - Appropriations bill; prerequisites to committee consideration, 3.9

## **Subcommittees, standing** (Cont.)

- Backing for introduction, 3.1
- Generally, 2.16
- Introduction, 3.12
- Publication, 3.9
- Bills, order of consideration, 2.12
- Business
  - Expeditious consideration, 2.9
  - Questions of priority, debate, 2.51
- Certification of questions of parliamentary procedure, 2.23
- Chairs
  - Absence of, assumption of duties in, 2.25, 2.26
  - Addressing, 2.45
  - Amendments
    - Preference in presentation, 7.1
    - Section or item, by; order of recognition, 2.42
  - Appeals
    - Certification, 2.23
    - Debate, 2.23
    - Generally, 2.23
    - Interruptions of speaker, 2.47
  - Appointment of, 2.20
  - Authority of, 2.23
  - Call to order, 2.21
  - Committee bills, name on jacket, 3.1
  - Death of, 2.26
  - Decorum, authority re, 2.13, 2.22
  - Exceptions to ruling, taking, 2.23
  - Excused absences, granting, 2.27
  - Explanation of vote; filing with, 2.31
  - Incapacitation, 2.26
  - Interruption of speaker, strict enforcement of rule re, 2.47
  - Limitation of debate, apportionment of time, 2.50
  - Meeting notices, 2.23, 13.3
  - Meetings, duties re notice and bill agenda, 2.6
  - Meetings of a majority of the chairs of standing committees, notice of, 1.45
  - Motion to remove bill from committee or refer bill to different committee, approval, 4.10
  - Motions, receiving and order, 2.33
  - Motions, requests for written, 2.32
  - Motions, stating or reading, 2.32
  - Notices, approval, 2.23, 13.3
  - Order, considering bill out of, 2.12
  - Order, preservation of, 2.22
  - Points of order
    - Chair; authority to decide, 2.23
    - Interruptions of speaker for, 2.47

## SENATE RULES INDEX

### Subcommittees, standing (Cont.)

- Pending appeals, 2.23
- Poll, matters reported by, 2.27
- Questions of order, 2.23
- Questions of parliamentary procedure, certification, 2.23
- Recognition of amendment sponsors, 2.39
- Recognition, power of, 2.46
- Removal, 1.5
- Reports, approval, 2.23
- Reports of standing subcommittees, special session; specifying time, 13.5
- Resignation, 2.26
- Select subcommittees, appointing, 2.1
- Speaking rights, determining, 2.48
- Subpoenas, approval of, 2.23
- Subpoenas and process, requesting, 2.2
- Successors, appointment, 2.26
- Temporary alternate, 2.25
- Verification of vote, ordering, 2.28
- Votes, declaring and recording, 2.28
- Voting by, 2.24
- Claim bills, report of special master, 4.81
- Collateral matters, motion to reconsider, 2.38
- Commit to a select committee, motion to; precedence, 6.2
- Commit to a select subcommittee, motion to, 2.33
- Committee bills
  - Appropriations bill; prerequisites to committee consideration, 3.9
  - Backing for introduction, 3.1
  - Generally, 2.15
  - Introduction, 3.12
  - Publication, 3.9
- Committee substitutes
  - Committee amendments, incorporation of, 2.44
  - Copies, 3.9
  - Favorable reports by one committee, effect, 4.7
  - Proposed substitutes; filing and copies, 2.39
  - Reference, changed or corrected by president, 4.7
  - Standing committees, 2.15
  - Standing subcommittees, 2.16
  - Withdrawal, 6.10
- Conference committees
  - Appointment or removal of senate members, 1.5, 2.19
  - Chairs of senate and house conferees or subconferees, meetings between; notice, 2.19

### Subcommittees, standing (Cont.)

- Conferees, meetings of a majority of; notice, 2.19
- Conference matters, meetings to discuss; place and notice, 2.19
- Final action, taking, 2.19
- Meetings, 2.19
- Motion that the senate insist and request, 7.9
- Motion to discharge and appoint or instruct senate conferees
  - Precedence, 6.2
  - Regular session, 2.19
  - Special session, 13.6
- Motion to request, 7.8
- Public access and notice, 1.46
- Regular session, 2.19
- Reports
  - Copies, availability, 4.5, 13.6
  - Messages, transmittal of, 6.8
  - Order of business, 4.5
  - Reading and action, 4.5
  - Requirements, 2.19
  - Special session, 13.6
- Consider bill out of order, motion to, 2.12
- Credentials committee, 1.24
- Debate
  - Address, manner of, 2.45
  - Appeals, 2.23
  - Bills reported favorably by standing subcommittees, 2.16
  - Consider bill out of regular order, motion to, 2.12
  - Interruptions of speaker, 2.47
  - Limit debate, motion to
    - Extension of limit, 2.50
    - Generally, 2.50
    - Precedence, 2.33
  - Motions, order of precedence, 2.33
  - Priority of business, questions re, 2.51
  - Reconsider, motion to, 2.37
  - Speaking limit, 2.49
  - Speaking rights, 2.48
  - Time allowed to close, 2.48
- Decorum
  - Appellations, 2.45
  - Avoiding personality, 2.45
  - Committee chairs, authority, 2.13, 2.22
  - Confining remarks to question under debate, 2.45
- Delete and insert, motion to, 2.34
- Deleting everything after enacting or resolving clause and inserting new language, 2.41
- Disorderly conduct, 2.22

## SENATE RULES INDEX

### Subcommittees, standing (Cont.)

- Division of question, 2.34
- Duties, generally, 2.2
- Employees, assignment and supervision, 2.4
- Equal division of vote, 2.28
- Exclusion of nonmembers, 2.30
- Excused absence, 1.21
- Executive appointments and suspensions, reference, 12.7, 12.9
- Explanation of vote, 2.31
- Filed bills
  - Delivery to, 3.8
  - Nonreturning senator, by, 3.12
  - Reference by president between regular sessions, 3.8
- Fiscal notes, preparation, 3.13
- Hearings
  - Claim bills, 4.81
  - Conduct and ethics
    - Advisory opinions, 1.42
    - Violations, 1.43
  - Disciplinary actions, 1.43
  - Filed bills, 3.8
  - House amendments to senate bills, 1.18
  - Lobbying violations, 9.6
  - Local bills determined not to be local in nature, 4.6
  - Motion to waive rule re bills filed after final day for introduction, 3.7
  - Reports rejected by standing committees, 2.16
  - Suspension matters, 12.7, 12.9
- House amendments to senate bills, reference, 1.18
- House bills, amendments to, 2.43
- Interim work, 2.2
- Interruptions of speaker, 2.47
- Introduction by, 3.12
- Investigation of public agencies, authority, 2.2
- Joint committees, appointment of senate members, 1.5
- Joint select committees, appointment of senate members, 1.5
- Late vote requests, 2.28
- Limit debate, motion to
  - Extension of limit, 2.50
  - Generally, 2.50
  - Precedence, 2.33
- Lobbying
  - Registration requirement, 9.1
  - Violations, duty to report, 9.7
  - Violators, prohibition from appearance, 9.6
- Majority action, 2.27

### Subcommittees, standing (Cont.)

- Majority of membership, meetings of a;  
notice, 1.45
  - Meetings
    - After 50th day, 2.9
    - Attendance, excusing from, 1.21
    - Attendance by introducer, 2.11
    - Attendance by members, 2.27
    - Call to order, 2.21
    - Decorum, 2.13, 2.45
    - Discussions of legislative business among senators during, 1.44
    - During session, 2.10
    - Exemption from open meeting requirement
      - Meetings concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
    - House amendments to senate bills, hearings, 1.18
  - Notice
    - Delivery to secretary, 2.8
    - Generally, 1.46, 2.6
    - Hearings, 2.6
    - Publication in calendar, 1.11
    - Site visits, 2.6
  - Open meetings, 1.44, 1.46, 2.13
  - Order of business, 2.12
  - Place of meeting, 2.10
  - Public access and notice, 1.46
  - Scheduling, 2.10
  - Special session, schedule and notice, 13.3
- ### Members
- Amendments; obtaining copies in advance of meeting, 2.39
  - Appellations, 2.45
  - Appointment, 1.5, 2.1
  - Appropriations bill; obtaining copies in advance of meeting, 3.9
  - Attendance, 2.27
  - Chair duties, assignment to, 2.25
  - Change of vote requests, 2.28
  - Division of question, calls for, 2.34
  - Excused absence, 2.27
  - Explanation of vote, 2.31
  - Quorum, questioning existence of, 2.17
  - Removal; appeal, 1.5
  - Speaking limit, 2.49
  - Speaking rights, 2.48
  - Unregistered lobbyists, permitting, 9.7
  - Verification of vote, request for, 2.28
  - Vote, request to record, 2.15
  - Voting by, 2.27
  - Voting for another in committee, 2.30
- More than one reference, 4.7

## SENATE RULES INDEX

### Subcommittees, standing (Cont.)

#### Motions

- Amend, 2.33
- Conference committee; taking final action, 2.19
- Consider bill out of order, 2.12
- Delete and insert, 2.34
- Division of question, 2.34
- Limit debate, 2.50
- Making, 2.32
- Oral, 2.32
- Precedence, 2.33
- Reconsider
  - Collateral matters, 2.38
  - Debate, 2.37
  - Generally, 2.35
  - Precedence, 2.33
  - Vote required, 2.36
  - Withdrawal, 2.32
- Reject report of standing subcommittee, 2.16
- Seconds, 2.32
- Vote on, 2.32
- Withdrawal of, 2.32
- Written, 2.32

Nonlegislative committees; membership by senators, 1.26

Nonmember, voting by, 2.30

#### Notices

- Delivery to secretary, 2.8
- Hearings, 2.6
- Lack of proper notice, effect, 2.7
- Public notice, 1.46
- Publication in calendar, 1.11
- Regular session and interim, during, 2.6
- Site visits, 2.6
- Special session, during, 13.3

Oaths and affirmations, 2.2

Officers, 2.20

Order of business

- Generally, 2.12
- Proceeding with, 2.21
- Reconsider, motion to, 2.35
- Reconsider collateral matters, motion to, 2.38
- Reconsider instantaner, motion to, 2.35

Order of recognition, 2.46

Pairing prohibited, 2.29

Papers, leaving in absence, 1.22

Papers of miscellaneous nature; filing with, 4.11

Parliamentary inquiries requiring immediate reply, 2.47

Parliamentary procedure, certification of questions, 2.23

### Subcommittees, standing (Cont.)

Penalties, unexcused absences, 2.27

Penalties, voting for another senator or by nonmember, 2.30

Personnel, securing, 2.4

Points of order

- Chair; authority to decide, 2.23
- Interruptions of speaker for, 2.47
- Pending appeals, 2.23
- Poll, matters reported by, 2.27

Poll, matters reported by, 2.27

Precedence of motions, 2.33

Precedents, 2.23

Priority of business, questions re, 2.51

Proxy, voting by, 2.27

Question of no quorum

- Generally, 2.17
- Interruptions for, 2.47

Questioning vote, 2.28

Questions, order of presenting, 2.33

Questions of order

- Chair; authority to decide, 2.23
- Interruptions of speaker for, 2.47
- Pending appeals, 2.23
- Poll, matters reported by, 2.27

Questions of privilege, interruptions for, 2.47

Quorum, computation, 2.17

Quorum, necessity for, 2.17

Recess, motion to take, 2.33

Recognition

- Amendment by section or item; order, 2.42
- Amendments, sponsors of, 2.39
- Order of, 2.46
- Requests for, 2.45

Recommitment

- Companion measures, effect on, 3.11
- Report without proper notice, 2.7
- Report without quorum of committee, 2.17
- Standing committee report, after, 2.15

Reconsider, motion to

- Collateral matters, 2.38
- Debate, 2.37
- Generally, 2.35
- Precedence, 2.33
- Vote required, 2.36
- Withdrawal, 2.32

Reconsider instantaner, motion to, 2.35

Records

- Excused absence, 2.27
- Explanation of vote, 2.31
- Inspection of, 1.48
- Votes, 2.15, 2.28

Reference

- Executive appointments and suspensions, 12.7, 12.9

## SENATE RULES INDEX

### Subcommittees, standing (Cont.)

- Filed bills, 3.8, 4.8, 4.81
- Generally, 4.6
- House amendments to senate bills, 1.18
- More than one, 4.7
- Motion re; order of business, 4.3
- Resolutions, 4.9
- Reject report of standing subcommittee, motion to, 2.16
- Remove bill from, motion to, 4.10
- Reports
  - Bills recommitted for failure to provide proper notice, 2.7
  - Claim bills, 4.81
  - Committee on ethics and elections, 12.7
  - Committee on rules
    - Changes in rules, 11.3
    - Executive matters, 12.7
    - Local bills, 4.6
    - Motion to waive rule re bills filed after final day for introduction, 3.7
  - Committee substitutes
    - Favorable report by one committee; effect, 4.7
  - Filing, 2.15
- Committees
  - Approval by chair, 2.23
  - Inspection, 1.48
  - Order of business, 4.3
  - Publication in calendar, 1.11
  - Special session, 13.5
  - Standing committees, 2.15
  - Standing subcommittees, 2.16
- Conduct and ethics violations, 1.43
- Conference committees
  - Copies, availability, 4.5, 13.6
  - Messages, transmittal, 6.8
  - Order of business, 4.5
  - Regular session
    - Deliberation and requirements, 2.19
    - Reading and action, 4.5
  - Special session, 13.6
- Credentials committee, 1.24
- Disposal of, 1.48
- Executive matters, 12.7
- Exemptions from public inspection, 1.48
- Filed bills
  - Generally, 3.8
  - Nonreturning senator, by, 3.12
- House amendments to senate bills, 1.18
- Inspection by public, 1.48
- Lobbying violations before committees, 9.7
- More than one reference; unfavorable report by one committee, effect, 4.7

### Subcommittees, standing (Cont.)

- Rejected by standing committee, 2.16
- Select subcommittees, 2.1
- Special master
  - Claim bills, 4.81
  - Conduct and ethics violations, 1.43, 9.6
  - Executive appointments, 12.7
  - Executive suspensions
    - Floor privilege, 12.12
    - Generally, 12.7, 12.11
  - Lobbying violations, 9.6
- State agencies, reports to standing committees and subcommittees, 2.2
- Rise, motion to, 2.33
- Roll call
  - Deferring or explaining vote during, 2.31
  - Generally, 2.28
- Rooms
  - Control of, 2.22
  - Discussions of legislative business among senators during committee meetings, 1.44
- Select committees
  - Appointment, removal, 1.5
  - Business, expeditious consideration of, 2.9
  - Meeting after 50th day, 2.9
  - Meetings, 2.10
  - Meetings concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
  - Motion to commit to; precedence, 6.2
  - Notice of meetings, 2.6, 2.8
  - Oaths and affirmations, 2.2
  - Officers, appointment of, 2.20
  - Records, public inspection, 1.48
  - Subpoenas and process, 2.2
  - Witnesses, 2.2
- Select subcommittees
  - Appointment, 2.1
  - Generally, 2.1
  - Meetings, 2.10
  - Meetings concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
  - Motion to commit to, 2.33
  - Notice of appointment and charge, 2.1
  - Records, public inspection, 1.48
  - Reference to, 4.6
- Showing of hands, 2.28
- Speaking
  - Address, manner of, 2.45
  - Appeals, 2.23
  - Bills reported favorably by standing subcommittees, 2.16

## SENATE RULES INDEX

### Subcommittees, standing (Cont.)

- Consider bill out of regular order, motion to, 2.12
- Interruptions of speaker, 2.47
- Limit debate, motion to
  - Extension of limit, 2.50
  - Generally, 2.50
  - Precedence, 2.33
- Motions, order of precedence, 2.33
- Priority of business, questions re, 2.51
- Reconsider, motion to, 2.37
- Speaking limit, 2.49
- Speaking rights, 2.48
- Time allowed to close, 2.48
- Special session, reports, 13.5
- Staff, presenting committee bill at certain meetings, 2.11
- Staff reports, public inspection, 1.48
- Standing committees
  - Appointment, 1.5, 2.1
  - Fiscal notes, preparation, 3.13
  - Meetings
    - Exemption from open meeting requirement concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
    - Generally, 2.10
  - Motion to commit to; precedence, 6.2
  - Public access and notice, 1.46
  - Records and reports, inspection, 1.48
  - Removal from committee, 1.5
  - Reports, 1.48, 2.15
  - Resolutions; reference to, 4.9
  - Select subcommittees, appointment, 2.1
  - Standing subcommittee reports, certification, 2.16
  - Votes, recording, 2.15
- Standing subcommittees
  - Appointment, 1.5, 2.1
  - Meetings
    - Exemption from open meeting requirement concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism, 1.44
    - Generally, 2.10
  - Public access and notice, 1.46
  - Records and reports, inspection, 1.48
  - Removal from, 1.5
  - Reports, 2.16
  - Votes, recording, 2.16
- Subpoenas, approval of, 2.23
- Subpoenas and process, 2.2
- Substitute amendments, 2.40

### Subcommittees, standing (Cont.)

- Substitute measures
  - Committee amendments, incorporation of, 2.44
  - Copies, 3.9
  - Favorable reports by one committee, effect, 4.7
  - Proposed substitutes; filing and copies, 2.39
  - Reference, changed or corrected by president, 4.7
  - Standing committees, 2.15
  - Standing subcommittees, 2.16
  - Withdrawal, 6.10
- Substitute motions, 2.33
- Temporarily postpone, motion to, 2.33
- Tie votes, 2.28
- Unregistered lobbyists, permitting, 9.7
- Verifications of vote, 2.28
- Vice chairs
  - Absence of chair, duties, 2.25
  - Amendments, preference in presentation, 7.1
  - Appointment, 2.20
  - Call to order, 2.21
  - Duties, generally, 2.26
  - Notice of meetings and bill agenda, duties re, 2.6
  - Removal, 1.5
  - Reports of standing committees, approval, 2.15
  - Reports of standing subcommittees, approval, 2.16
  - Voting by, 2.24
- Vote required
  - Action, generally, 2.27
  - Bills with favorable reports from standing subcommittees, additional testimony, 2.16
  - Certification of questions of parliamentary procedure, 2.23
  - Conference reports, 2.19
  - Consider bill out of regular order, 2.12
  - Limit debate
    - Extension of limit, 2.50
    - Motion to, 2.50
  - Majority action, 2.27
  - Reconsider, further motion to, 2.35
  - Reconsider, motion to, 2.36
  - Reconsider instant, motion to, 2.35
  - Reject report of standing subcommittee, motion to, 2.16
  - Request to vote or change vote, 2.28
  - Select subcommittee reports, action re, 2.1
  - Speaking limit, motion to extend, 2.49

# SENATE RULES INDEX

## **Subcommittees, standing** (Cont.)

### Voting

- Announcing the vote, 2.28
  - Another senator, voting for, 2.30
  - Chair, by, 2.24
  - Change of vote, 2.28
  - Declaring the vote, 2.28
  - Deferring or explaining vote, 2.31
  - Equal division, effect of, 2.28
  - Explanation of vote, 2.31
  - Late vote, 2.28
  - Nonmember, by, 2.30
  - Pairing prohibited, 2.29
  - Proxy, by, 2.27
  - Questioning a vote, 2.28
  - Record of votes, inspection, 1.48
  - Recording of votes, 2.15
  - Roll call, 2.28
  - Show of hands, questioning a vote, 2.28
  - Taking the vote, 2.28
  - Tie votes, 2.28
  - Verification of vote, 2.28
  - Vice chair, by, 2.24
  - Voice vote, reconsideration, 2.35
  - Yeas and nays, counting, 2.28
- Withdrawal of bills from
- Committee substitutes, 4.10, 6.10
  - Filed bills, 3.8
  - Remove bill from committee, motion to, 4.10
  - Special session, 13.5
- Withdrawal of motion, 2.32
- Witnesses, 2.2
- Yeas and nays, counting, 2.28
- Yielding the floor, 2.49

## **Subpoenas**

- Attestation, 1.13
- Committees; requests for, 2.2
- Committees; signing, 2.23
- Executive matters; authority re, 12.13
- Signature of president, 1.4

## **Substitute amendments**

- Committees, 2.40
- Floor, 7.3

## **Substitute measures**

- Committee amendments, incorporation of, 2.44
- Copies, 3.9

## **Substitute measures** (Cont.)

- Favorable reports by one committee, effect, 4.7
- Proposed substitutes; filing and copies, 2.39
- Reference, changed or corrected by president, 4.7
- Standing committees, 2.15
- Standing subcommittees, 2.16
- Withdrawal, 6.10

## **Substitute motions**

- Committees, 2.33
- Floor, 6.2

## **Substitution of companion measures**, 3.11

## **Summaries, house amendments to senate bills**, 1.18

## **Suspension of rules**

- Bills filed after final day for introduction re, 3.7
- Companion measures on different readings re, 3.11
- Generally, 11.2
- Immediate certification of bill to house re, 6.8
- Reading re, 4.12
- Rule requiring unanimous consent, 11.2
- Second reading on separate day, concurrent resolutions and memorials, 4.13

## **Suspensions**

- Abeyance of investigation and proceedings, 12.9(2)
- Action by senate, 12.9(5)
- Amended suspension order, 12.9(1)
- Committee on ethics and elections
  - Appointment, 2.1
  - Suspensions
    - Amended order, 12.9(1)
    - Confidentiality of work product, 12.4
    - Criminal charge or court challenge pending; abeyance of investigation and proceedings, 12.9(2)
    - Duties, 12.7, 12.9
    - Evidence, disposition, 12.9(6)
    - Governor's bill of particulars, request for, 12.9(4)

# SENATE RULES INDEX

## **Suspensions (Cont.)**

- Hearings and notice, 12.9(1), 12.9(3)
- Instituting action, time limits, 12.9(1), 12.9(2)
- Oaths and affirmations, 12.13
- Prehearing conferences, 12.9(3)
- Subpoenas and other process, 12.13
- Confidentiality of proceedings, 1.48, 12.4
- Criminal charge or court challenge pending; abeyance of investigation and proceedings, 12.9(2)
- Defenses, filing, 12.9(3), 12.9(4)
- Evidence; recovery and disposition, 12.9(6)
- Executive sessions; consideration of, 12.2
- Finding of commission of felony, 12.10
- Governor's bill of particulars, 12.9(4)
- Hearings, 12.9(1), 12.9(3)
- Institution of action, time limits, 12.9(1), 12.9(2)
- Motion to reconsider vote, 6.4
- Notice of hearings, 12.9(1)
- Precedence; conflicts between rule 12 and statute, 12.14
- Prehearing conferences
  - Generally, 12.9(3)
  - Notice, giving, 12.9(1)
  - Notice, time limits, 12.9(1), 12.9(2)
- Procedure, generally, 12.7, 12.9
- Reference, 12.7
- Special master, duties and reports, 12.11, 12.12
- Suspension order, amended, 12.9(1)
- Vote, confidentiality of, 12.4
- Vote required to consider, in executive session, 12.3

## **T**

**Task forces, nonlegislative; membership by senators, 1.26**

**Tax revenues, bills affecting; reference, 4.8**

**Television station members, 10.3**

## **Temporarily postpone, motions to**

- Committees, 2.33
- Floor, 6.2, 6.11

## **Terms of office**

- President, 1.1
- President pro tempore, 1.1
- Secretary, 1.8

## **Third reading**

- Advancement to, 4.19
- Amendments, adoption, 7.2
- Order of business, 4.3
- Reference, amendment or postponement on, 4.15

## **Tie votes**

- Committees, 2.28
- Floor, 5.1

**Training, ethics, 1.40**

## **Transmittal**

- Bills and messages, during last 14 days of regular session and extension, 6.8
- Bills and messages, during special session, 6.8
- Messages re senate action on house amendments or conference committee reports, 6.8
- Secretary; measures and messages, 1.10, 1.17, 6.8

**Transportation committee, 2.1**

**Transportation, tourism, and economic development subcommittee, 2.1**

## **Travel expenses**

- Authority to incur, 1.4
- Nonlegislative memberships re, 1.26

**"Two-thirds vote," etc., construction, 11.5**

# SENATE RULES INDEX

## U

**Unfavorably reported bills; admission in the form of an amendment, 7.1**

**Unfinished Business, 1.11, 4.3, 6.11**

**United States congressmen, admission to floor, 10.1**

## V

### **Vacancy in office**

President, 1.7  
Secretary, 1.8

### **Verification of vote**

Committees, 2.28  
Floor, 5.2

### **Veto messages**

Motion to reconsider vote on, 6.4  
Reference, 4.21  
Setting an effective date for a vetoed bill, 4.9

### **Vice chairs**

Absence of chair, duties, 2.25  
Amendments, preference in presentation, 7.1  
Appointment, 2.20  
Call to order, 2.21  
Duties, generally, 2.26  
Removal, 1.5  
Voting by, 2.24

### **Violations**

Conduct and ethics rules, 1.43  
Notice of meetings at which legislative business discussed, 1.49  
Open meeting rules, 1.49  
Solicitation or acceptance of certain contributions during sessions, 1.361

### **Voice vote**

Concurrent resolutions, 4.13  
Memorials, 4.13  
Questioning  
Committee, 2.28  
Floor, 5.1  
Reconsideration, 6.4  
Resolutions, 4.14

### **Vote required**

Action, generally, 11.4  
Amend the house amendment, motion to, 7.8  
Amendment on second reading, 7.2  
Amendment on third reading, 4.15, 7.2  
Amendments to amendment on third reading, 7.2  
Ballot, election by, 5.6  
Censure of senator, 1.43  
Change vote, 5.2  
Committee meetings during session, scheduling, 2.10  
Committees  
Action, generally, 2.27  
Bills with favorable reports from standing subcommittees, additional testimony, 2.16  
Certification of questions of parliamentary procedure, 2.23  
Conference reports, 2.19  
Consider bill out of regular order, 2.12  
Limit debate  
Extension of limit, 2.50  
Motion to, 2.50  
Majority action, 2.27  
Reconsider, further motion to, 2.35  
Reconsider, motion to, 2.36  
Reconsider instanter, motion to, 2.35  
Reject report of standing subcommittee, motion to, 2.16  
Request to vote or change vote, 2.28  
Select subcommittee reports, action re, 2.1  
Speaking limit, motion to extend, 2.49  
Companion measures, motion re, 3.11  
Concur in the house amendment, motion to, 7.8  
Concurrent resolutions, waiver of second reading on separate day, 4.13  
Conference committee, motion to request, 7.8  
Consider bill out of regular order, 4.16  
Consider certain bills, 4.3  
Contested seat, 1.24  
Disciplinary actions, 1.43  
Election by ballot, 5.6

## SENATE RULES INDEX

### Vote required (Cont.)

- Executive appointments or suspensions, to consider, 12.3
- Expulsion of senator, 1.43
- Extended session, consideration of additional proposals, 11.5
- Generally, 11.4
- House amendments to senate bills, motion re, 7.8
- House refusal to concur in senate amendments, motion re, 7.9
- Insist, motion that the senate, 7.9
- Insist and request a conference committee, motion that the senate, 7.9
- Limit debate, motion to, 8.6
- Lobbying violations, take action on, 9.6
- Majority action, 11.4
- “Majority of Senators present,” construction, 11.4
- Memorials, waiver of second reading on separate day, 4.13
- More than one reference, unfavorable report by one committee; further consideration, 4.7
- Passage of bill or joint resolution, 4.12
- Postponement to a day certain on third reading, 4.15
- Reading of bill in full, to require, 4.12
- Reading of miscellaneous papers, objections, 4.11
- Recede, motion that the senate, 7.9
- Recommitment after standing committee report, 2.15
- Recommitment on third reading, 4.15
- Reconsider, further motion to, 6.4
- Reconsider, motion to, 6.5
- Refer to a different committee, motion to, 4.10
- Reference on third reading, 4.15
- Refuse to concur in the house amendment and ask the house to recede, motion to, 7.8
- Report on changes in rules, amendment of, 11.3
- Reprimand of senator, 1.43
- Request a conference committee, motion to, 7.8
- Speaking limit, motion to extend, 8.5
- Special order calendar
  - Establishing, 4.17
  - Striking or adding bills, 4.17
- Standing committee reports, special session; extensions of time, 13.5
- Suspension of rules, 11.2
- Title or corrective amendments, 7.2
- “Two-thirds vote,” etc., construction, 11.5

### Vote required (Cont.)

- Waive a rule, motion to, 11.2
- Waive the rules and immediately certify bill to house, motion to, 6.8
- Waiver of requirement re three readings, 4.12
- Waiver of rule requiring unanimous consent, 11.2

### Voting

- Announcing the vote, 5.1
- Another senator, voting for, 5.3
- Ballot, election by, 5.6
- Change of vote, 5.2
- Committees
  - Announcing the vote, 2.28
  - Another senator, voting for, 2.30
  - Chair, by, 2.24
  - Change of vote, 2.28
  - Declaring the vote, 2.28
  - Deferring or explaining vote, 2.31
  - Equal division, effect of, 2.28
  - Explanation of vote, 2.31
  - Late vote, 2.28
  - Nonmember, by, 2.30
  - Pairing prohibited, 2.29
  - Proxy, by, 2.27
  - Questioning a vote, 2.28
  - Record of votes, inspection, 1.48
  - Recording of votes, 2.15
  - Roll call, 2.28
  - Show of hands, questioning a vote, 2.28
  - Taking the vote, 2.28
  - Tie votes, 2.28
  - Verification of vote, 2.28
  - Vice chair, by, 2.24
  - Voice vote, reconsideration, 2.35
  - Yeas and nays, counting, 2.28
- Concurrent resolutions, 4.13
- Conference committee reports
  - Regular session, 4.5
  - Special session, 13.6
- Counting votes, 1.12
- Declaring the vote, 5.1
- Disqualification, 1.20
- Disqualification, disclosure, 1.39
- Election by ballot, 5.6
- Electronic roll call system, 5.1
- Equal division, effect, 5.1
- Executive matters, confidentiality, 12.4
- Explanation of vote, 5.5
- Late vote, 5.2
- Memorials, 4.13

# SENATE RULES INDEX

## **Voting (Cont.)**

- Nonmember, by, 5.3
- President, by, 1.6
- Questioning a vote, 2.28, 5.1
- Questioning decision not to abstain from voting re interest, 8.8
- Records, inspection, 1.48
- Resolutions, 4.14
- Roll call
  - Change of vote, recording, 5.2
  - Electronic roll call system, 5.1
  - Entry after, 1.23
  - Explanation of vote during, 5.5
  - Late vote, recording, 5.2
  - Order of business, 4.3
  - Secretary; duties re, 1.12
- Secretary; duties re, 1.12
- Senators, by, 1.20
- Show of hands
  - Counting, 1.12
  - Questioning a vote, 5.1
- Special session, conference committee report, 13.6
- Taking the vote, 5.1
- Tie vote, 5.1
- Verification of vote, 5.2
- Voice vote
  - Concurrent resolutions, 4.13
  - Memorials, 4.13
  - Questioning
    - Committee, 2.28
    - Floor, 5.1
  - Reconsideration, 6.4
  - Resolutions, 4.14
- Yeas and nays
  - Calling president's name, 1.6
  - Recording, 1.12
  - Taking, 5.1

## **Vouchers**

- Approval by president, 1.4

## **W**

## **Waiver of rules**

- Bills filed after final day for introduction re, 3.7
- Companion measures on different readings re, 3.11
- Generally, 11.2
- Immediate certification of bill to house re, 6.8

## **Waiver of rules (Cont.)**

- Rule requiring unanimous consent, 11.2

## **Warrants**

- Attestation, 1.13
- Signature of president, 1.4

## **Well, addressing senate from, 8.1**

## **Withdrawal of bills**

- Committee, from, 3.11
- Committee substitutes, 6.10
- Filed bills, 3.8
- Introducer no longer a senator, 3.12
- Remove bill from committee, motion to, 4.10
- Special session, 13.5

## **Withdrawal of motions, 6.1**

## **Withdrawn bills and measures; admission in the form of an amendment, 7.1**

## **Witnesses**

- Bills favorably reported by standing subcommittees, additional testimony, 2.16
- Reports rejected by standing committee, hearing de novo, 2.16
- Claim bill hearings, 4.81
- Executive matters, 12.13
- Select committees, 2.2
- Standing committees and subcommittees, 2.2
- Suspension hearings, 12.9(1), 12.9(3)

## **Writs**

- Attestation, 1.13
- Signature of president, 1.4

## **Y**

## **Yeas and nays**

- Calling president's name, 1.6
- Recording, 1.12
- Taking, 2.28, 5.1

## **Yielding the floor**

- Committees, 2.49
- Floor, 8.5

Joint Rules  
of the  
Florida Legislature

2014-2016

AS ADOPTED NOVEMBER 18, 2014



**JOINT RULES OF THE FLORIDA LEGISLATURE**  
**TABLE OF CONTENTS**

**JOINT RULE ONE**

**LOBBYIST REGISTRATION AND COMPENSATION REPORTING**

- 1.1—Those Required to Register; Exemptions; Committee Appearance Records
- 1.2—Method of Registration
- 1.3—Registration Costs; Exemptions
- 1.4—Reporting of Lobbying Firm Compensation
- 1.5—Failure to File Timely Compensation Report; Notice and Assessment of Fines; Appeals
- 1.6—Open Records; Internet Publication of Registrations and Compensation Reports
- 1.7—Records Retention and Inspection and Complaint Procedure
- 1.8—Questions Regarding Interpretation of Joint Rule One
- 1.9—Effect of Readoption and Revision

**JOINT RULE TWO**

**GENERAL APPROPRIATIONS REVIEW PERIOD**

- 2.1—General Appropriations and Related Bills; Review Periods
- 2.2—General Appropriations and Related Bills; Definitions

**JOINT RULE THREE**

**JOINT OFFICES AND POLICIES**

- 3.1—Joint Legislative Offices
- 3.2—Joint Policies

**JOINT RULE FOUR**  
**JOINT COMMITTEES**

- 4.1—Standing Joint Committees
- 4.2—Procedures in Joint Committees
- 4.3—Powers of Joint Committees
- 4.4—Administration of Joint Committees
- 4.5—Special Powers and Duties of the Legislative Auditing Committee
- 4.6—Special Powers and Duties of the Administrative Procedures  
Committee
- 4.7—Special Powers and Duties of the Committee on Public Counsel  
Oversight

**JOINT RULE FIVE**  
**AUDITOR GENERAL**

- 5.1—Rulemaking Authority
- 5.2—Budget and Accounting
- 5.3—Audit Report Distribution

**JOINT RULE SIX**  
**JOINT LEGISLATIVE BUDGET COMMISSION**

- 6.1—General Responsibilities
- 6.2—Organizational Structure
- 6.3—Notice of Commission Meetings
- 6.4—Effect of Adoption; Intent

**JOINT RULE SEVEN**  
**QUALIFICATIONS OF MEMBERS**

- 7.1—Residency

# JOINT RULES of the Florida Legislature

Pursuant to SCR 2-Org, Adopted November 2014

## JOINT RULE ONE

### LOBBYIST REGISTRATION AND COMPENSATION REPORTING

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

(1) All lobbyists before the Florida Legislature must register with the Lobbyist Registration Office in the Office of Legislative Services. Registration is required for each principal represented.

(2) As used in Joint Rule One, unless the context otherwise requires, the term:

(a) “Compensation” means payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal for any lobbying activity.

(b) “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 that 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 through an attempt to obtain the goodwill of a member or employee of the Legislature.

(d) “Lobbying firm” means any business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying and where any partner, owner, officer, or employee of the business entity is a lobbyist. “Lobbying firm” does not include an entity that has employees who are

lobbyists if the entity does not derive compensation from principals for lobbying or if such compensation is received exclusively from a subsidiary or affiliate corporation of the employer. As used in this paragraph, an affiliate corporation is a corporation that directly or indirectly shares the same ultimate parent corporation as the employer and does not receive compensation for lobbying from any unaffiliated entity.

(e) “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. The term “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 the Governor, the Executive Office of the Governor, or any executive or 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.

(f) “Lobbyist Registration and Compensation Reporting System (LRCRS)” means the online application that serves as the system of record for the Lobbyist Registration Office in the Office of Legislative Services and consists of the electronic registration system and the electronic filing system.

(g) “LRO” means the Lobbyist Registration Office in the Office of Legislative Services.

(h) “Office” means the Office of Legislative Services.

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

(j) “Principal” means the person, firm, corporation, or other entity that has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(k) “Unusual circumstances,” with respect to any failure of a person to satisfy a filing requirement, means uncommon, rare, or sudden events over which the person has no control and which directly result in the failure to satisfy the filing requirement.

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

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

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

(c) Advice or services that 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 or judicial department of the state or any 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 a lobbyist.

(5) When a person, regardless of whether the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record as required by the respective house.

(6) The responsibilities of the Office and of the LRO under Joint Rule One may be assigned to another entity by agreement of the President of the Senate and the Speaker of the House of Representatives for a contract period not to extend beyond December 1 following the Organization Session of the next biennium, provided that the powers and duties of the President, the Speaker, the General Counsel of the Office of Legislative Services, and any legislative committee referenced in Joint Rule One may not be delegated.

## **1.2—Method of Registration**

(1) Each person required to register with the LRO must register through the LRCRS and attest to that person's full legal name, business address, e-mail address, and telephone number; the name, business address, e-mail address, and telephone number of each principal that person represents; and the extent of any direct business association or partnership that person has with any member of the Legislature. In addition, if the lobbyist is a partner, owner, officer, or employee of a lobbying firm, the lobbyist must state the name, address, and telephone number of each lobbying firm to which the lobbyist belongs and the e-mail address of the employee responsible for the submission of compensation reports. Registration is not complete until

the LRCRS receives the principal's authorization and the registration fee. Any changes to the information existing in the LRCRS must be updated online in the LRCRS within 15 days from the effective date of the change.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. The LRCRS will request authorization from the principal with the principal's name, business address, e-mail address, and telephone number to confirm that the registrant is authorized to represent the principal. The principal or principal's representative shall also identify and designate the principal's main business pursuant to a classification system approved by the Office, which shall be the North American Industry Classification System (NAICS) six-digit numerical code that most accurately describes the principal's main business.

(3) Any person required to register must renew the registration annually for each calendar year through the LRCRS.

(4) A lobbyist shall promptly cancel the registration for a principal upon termination of the lobbyist's representation of that principal. A cancellation takes effect the day it is received by the LRCRS. Notwithstanding this requirement, the LRO may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the LRO in writing that the lobbyist is no longer authorized to represent that principal.

(5) The LRO shall retain registration information submitted under this rule.

(6) A person required to register under Joint Rule One shall be considered a lobbyist of the Legislature for the purposes of ss. 11.045, 112.3148, and 112.3149, Florida Statutes.

### **1.3—Registration Costs; Exemptions**

(1) To cover the costs incurred for the administration of Joint Rule One, each person who registers under Joint Rule 1.1 must pay an annual registration fee to the LRO. 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 Fish and Wildlife Conservation 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 President of the Senate and the Speaker of the House of Representatives. The fees set must be adequate to ensure operation of the lobbyists' registration, compensation, and reporting functions. The fees collected by the LRO under this rule shall be deposited into the State Treasury and credited to the Legislative Lobbyist Registration Trust Fund specifically to cover the costs incurred in administering Joint Rule One.

#### **1.4—Reporting of Lobbying Firm Compensation**

(1)(a) Each lobbying firm shall file a compensation report with the LRO through the LRCRS for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report must include the:

1. Full name, business address, and telephone number of the lobbying firm;

2. Registration name of each of the firm's lobbyists; and
3. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; or \$1 million or more.

(b) For each principal represented by one or more of the firm's lobbyists, the lobbying firm's compensation report must also include the:

1. Full name, business address, and telephone number of the principal; and
2. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or more. If the category "\$50,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.

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

1. The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and

2. The reporting lobbying firm shall, for each lobbying firm identified as the reporting lobbying firm's principal under paragraph (b), identify the name, business address, and telephone number of the principal originating the lobbying work.

(d) The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this rule; certify that no compensation has been omitted from this report by deeming such compensation as "consulting services," "media services," "professional services," or anything other than compensation; and certify that no officer or employee of the firm has made an expenditure in violation of s. 11.045, Florida Statutes.

(2) For each principal represented by more than one lobbying firm, the Office shall aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal. Compensation reported within a category shall be aggregated as follows:

Category (dollars)	Dollar amount to use aggregating
0	0
1-9,999	5,000
10,000-19,999	15,000
20,000-29,999	25,000
30,000-39,999	35,000
40,000-49,999	45,000
50,000 or more	Actual amount reported

(3) The compensation reports shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The reports shall be rendered in the identical form provided by the respective houses and shall be open to public inspection.

(4) A report filed pursuant to this rule must be completed and filed through the LRCRS not later than 11:59 p.m. of the day designated in subsection (3). A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under Joint Rule 1.5(1).

(5) Each person given secure sign-on credentials in the LRCRS is responsible for protecting the credentials from disclosure and is responsible for all filings made by use of such credentials, unless and until the Office is notified that the person's credentials have been compromised. Each report filed by electronic means pursuant to this rule shall be deemed certified in accordance with paragraph (1)(d) by the person given the secure sign-on credentials and, as such, subjects the person and the lobbying firm to the provisions of s. 11.045(8),

Florida Statutes, as well as any discipline provided under the rules of the Senate or House of Representatives.

(6) If the President of the Senate and the Speaker of the House of Representatives jointly declare that the electronic system is not operable, the reports shall be filed in accordance with instructions on the LRCRS website which will be posted for a reasonable period of time.

### **1.5—Failure to File Timely Compensation Report; Notice and Assessment of Fines; Appeals**

(1) Upon determining that the report is late, the LRCRS shall immediately notify the lobbying firm by e-mail as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.

(2) Upon submittal of the late-filed report by the lobbying firm, the LRCRS shall determine the amount of the fine based on the submittal date shown in the electronic receipt issued by the LRCRS.

(3) Such fine shall be paid within 30 days after the notice of payment due is transmitted by the LRCRS, unless an appeal is made to the LRO. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine may not be assessed against a lobbying firm the first time the report for which the lobbying firm is responsible is not timely filed. However, to receive the one-time fine waiver, the report for which the lobbying firm is responsible must be filed within 30 days after the notice of failure to file is transmitted by the LRCRS. A fine shall be assessed for all subsequent late-filed reports.

(5) Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees,

that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may, by joint agreement, concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the LRCRS. In such case, the lobbying firm shall, within the 30-day period, notify the LRO in writing of the firm's intention to request a hearing.

(6) A lobbying firm may request that the filing of a report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may, by joint agreement, grant or deny the request.

(7)(a) All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived and all late reports have been filed or waived. The LRO shall promptly notify all affected principals, the President of the Senate, and the Speaker of the House of Representatives of any suspension or reinstatement. All lobbyists who are partners, owners, officers, or employees of a lobbying firm are jointly and severally liable for any outstanding fine owed by a lobbying firm.

(b) Such lobbyist may not be reinstated in any capacity representing any principal until the fine is paid and all late reports have been filed or waived or until the fine is waived as to that lobbyist and all late reports for that lobbyist have been filed or waived. A suspended lobbyist may request a waiver upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services who shall, as soon as practicable, make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the

House of Representatives may, by joint agreement, grant or deny the request.

(8) The LRO shall notify the coordinator of the Office of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed.

### **1.6—Open Records; Internet Publication of Registrations and Compensation Reports**

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

(2) The LRO shall make information filed pursuant to Joint Rules 1.2 and 1.4 reasonably available on the Internet in an easily understandable and accessible format through the LRCRS. The LRCRS must include, but not be limited to including, the names and business addresses of lobbyists, lobbying firms, and principals; the affiliations between lobbyists and principals; and the classification system designated and identified with respect to principals pursuant to Joint Rule 1.2.

### **1.7—Records Retention and Inspection and Complaint Procedure**

(1) Each lobbying firm 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 compensation reports and registration documentation.

(2) Upon receipt of a complaint based on the personal knowledge of the complainant made pursuant to the Senate Rules or the 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, Joint Rule One, the Senate Rules, or the Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to Joint Rule One, the 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.

(3) The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

### **1.8—Questions Regarding Interpretation of Joint Rule One**

(1) A person may request in writing an informal opinion from the General Counsel of the Office of Legislative Services as to the application of Joint Rule One to a specific situation involving that person's conduct. The General Counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion that is issued shall be provided to the presiding officer of each house. A committee of either house designated pursuant to section 11.045(5), 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) A person in doubt about the applicability or interpretation of Joint Rule One with respect to that person's conduct may submit in writing the facts for an advisory opinion to the committee of either house designated pursuant to s. 11.045(5), Florida Statutes, and may appear in person before the committee in accordance with s. 11.045(5), Florida Statutes.

### **1.9—Effect of Readoption and Revision**

All obligations existing under Joint Rule One as of the last day of the

previous legislative biennium are hereby ratified, preserved, and reimposed pursuant to the terms thereof as of that date. The provisions of Joint Rule One are imposed retroactively to the first day of the present legislative biennium except that provisions new to this revision are effective on the date of adoption or as otherwise expressly provided herein.

## **JOINT RULE TWO**

### **GENERAL APPROPRIATIONS REVIEW PERIOD**

#### **2.1—General Appropriations and Related Bills; Review Periods**

(1) A general appropriations bill shall be subject to a 72-hour public review period before a vote is taken on final passage of the bill in the form that will be presented to the Governor.

(2) 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.

(3) 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.

(4) 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.

(5)(a) Copies required to be furnished under subsection (4) shall be furnished to members of the Legislature as follows:

1. A printed copy may be placed on each member's desk in the appropriate chamber; or

2. An electronic copy may be furnished to each member. The Legislature hereby deems and determines that a copy shall have been furnished to the members of the Legislature when an electronic copy is made available to every member of the Legislature. An electronic copy is deemed to have been made available when it is accessible via the Internet or other information network consisting of systems ordinarily serving the members of the Senate or the House of Representatives.

(b) An official other than a member of the Legislature who is to be furnished a copy of a general appropriations bill under subsection (4) may officially request that an electronic copy of the bill be furnished in lieu of a printed copy, and, if practicable, the copy may be furnished to the official in the manner requested.

(6) 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.

(7) The 72-hour public review period shall begin to run upon completion of the furnishing of copies required to be furnished under subsection (4). The Speaker of the House of Representatives and 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.

(8) An implementing or conforming bill recommended by a conference committee shall be subject to a 24-hour public review period before a vote is taken on the conference committee report by either house, if the conference committee submits its report after the furnishing of a general appropriations bill to which the 72-hour public review period applies.

(9) With respect to each bill that may be affected, a member of the Senate or the House of Representatives may not raise a point of

order under this rule after a vote is taken on the bill. Except as may be required by the Florida Constitution, noncompliance with any requirement of this rule may be waived by a two-thirds vote of those members present and voting in each house.

## **2.2—General Appropriations and Related Bills; Definitions**

As used in Joint Rule Two, the term:

(1) “Conforming bill” means a bill that amends the Florida Statutes to conform to a general appropriations bill.

(2) “General appropriations bill” means a bill that provides for the salaries of public officers and other current expenses of the state and contains no subject other than appropriations. A bill that contains appropriations that are incidental and necessary solely to implement a substantive law is not included within this term. For the purposes of Joint Rule Two and Section 19(d) of Article III of the Florida Constitution, the Legislature hereby determines that, after a general appropriations bill has been enacted and establishes governing law for a particular fiscal year, a bill considered in any subsequent session that makes net reductions in such enacted appropriations or that makes supplemental appropriations shall not be deemed to be a general appropriations bill unless such bill provides for the salaries of public officers and other current expenses of the state for a subsequent fiscal year.

(3) “Implementing bill” means a bill, effective for one fiscal year, implementing a general appropriations bill.

## **JOINT RULE THREE**

### **JOINT OFFICES AND POLICIES**

#### **3.1—Joint Legislative Offices**

- (1) The following offices of the Legislature are established:
  - (a) Office of Economic and Demographic Research.
  - (b) Office of Legislative Information Technology Services.
  - (c) Office of Legislative Services.

(d) Office of Program Policy Analysis and Government Accountability.

(2) Offices established under this rule shall provide support services to the Legislature that are determined by the President of the Senate and the Speaker of the House of Representatives to be necessary and that can be effectively provided jointly to both houses and other units of the Legislature. Each office shall be directed by a coordinator selected by and serving at the pleasure of the President of the Senate and the Speaker of the House of Representatives. Upon the initial adoption of these joint rules in a biennium, each coordinator position shall be deemed vacant until an appointment is made.

(3) Within the monetary limitations of the approved operating budget, the salaries and expenses of the coordinator and the staff of each office shall be governed by joint policies.

(4) The Office of Legislative Services shall provide legislative support services other than those prescribed in subsections (5)-(7).

(5) The Office of Legislative Information Technology Services shall provide support services to assist the Legislature in achieving its objectives through the application of cost-effective information technology.

(6) The Office of Economic and Demographic Research shall provide research support services, principally regarding forecasting economic and social trends that affect policymaking, revenues, and appropriations.

(7) The Office of Program Policy Analysis and Government Accountability shall:

(a) Perform independent examinations, program reviews, and other projects as provided by general law, as provided by concurrent resolution, as directed by the Legislative Auditing Committee, or as directed by the President of the Senate or the Speaker of the House and shall provide recommendations, training, or other services to assist the Legislature.

(b) Transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory

and fiscal changes recommended by office reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues.

### **3.2—Joint Policies**

(1) The President of the Senate and the Speaker of the House of Representatives shall jointly adopt policies they consider advisable to carry out the functions of the Legislature. Such policies shall be binding on all employees of joint offices and joint committees.

(2) The employees of all joint committees and joint legislative offices shall be under the exclusive control of the Legislature. No officer or agency in the executive or judicial branch shall exercise any manner of control over legislative employees with respect to the exercise of their duties or the terms and conditions of their employment.

## **JOINT RULE FOUR**

### **JOINT COMMITTEES**

### **4.1—Standing Joint Committees**

(1) The following standing joint committees are established:

- (a) Administrative Procedures Committee.
- (b) Committee on Public Counsel Oversight.
- (c) Legislative Auditing Committee.

(2) No other joint committee shall exist except as agreed to by the presiding officers or by concurrent resolution approved by the Senate and the House of Representatives.

(3) Appointments to each standing joint committee shall be made or altered and vacancies shall be filled by the Senate and the House of Representatives in accordance with their respective rules. There shall be appointed to each standing joint committee no fewer than five and no more than seven members from each house.

(4)(a) The President of the Senate shall appoint a member of the Senate to serve as the chair, and the Speaker of the House of Representatives shall appoint a member of the House of Representatives to serve as the vice chair, for:

1. The Legislative Auditing Committee and the Committee on Public Counsel Oversight, for the period from the Organization Session until noon on December 1 of the calendar year following the general election.

2. The Administrative Procedures Committee for the period from noon on December 1 of the calendar year following the general election until the next general election.

(b) The Speaker of the House of Representatives shall appoint a member of the House of Representatives to serve as the chair, and the President of the Senate shall appoint a member of the Senate to serve as the vice chair, for:

1. The Legislative Auditing Committee and the Committee on Public Counsel Oversight, for the period from noon on December 1 of the calendar year following the general election until the next general election.

2. The Administrative Procedures Committee for the period from the Organization Session until noon on December 1 of the calendar year following the general election.

(c) A vacancy in an appointed chair or vice chair shall be filled in the same manner as the original appointment.

#### **4.2—Procedures in Joint Committees**

The following rules shall govern procedures in joint committees other than conference committees:

(1) A quorum for a joint committee shall be a majority of the appointees of each house. No business of any type may be conducted in the absence of a quorum.

(2)(a) Joint committees shall meet only within the dates, times, and locations authorized by both the President of the Senate and the Speaker of the House of Representatives.

(b) Joint committee meetings shall meet at the call of the chair. In the absence of the chair, the vice chair shall assume the duty to convene and preside over meetings and such other duties as provided by law or joint rule. During a meeting properly convened, the presiding chair may temporarily assign the duty to preside at that meeting to another joint committee member until the assignment is relinquished or revoked.

(c) Before any joint committee may hold a meeting, a notice of such meeting shall be provided to the Secretary of the Senate and the Clerk of the House of Representatives no later than 4:30 p.m. of the 7th day before the meeting. For purposes of effecting notice to members of the house to which the chair does not belong, notice to the Secretary of the Senate shall be deemed notice to members of the Senate and notice to the Clerk of the House shall be deemed notice to members of the House of Representatives. Noticed meetings may be canceled by the chair with the approval of at least one presiding officer.

(d) If a majority of its members from each house agree, a joint committee may continue a properly noticed meeting after the expiration of the time called for the meeting. However, a joint committee may not meet beyond the time authorized by the presiding officers without special leave granted by both presiding officers.

(3) The presiding officers shall interpret, apply, and enforce rules governing joint committees by agreement when the rule at issue is a joint rule. Unless otherwise determined or overruled by an agreement of the presiding officers, the chair shall determine all questions of order arising in joint committee meetings, but such determinations may be appealed to the committee during the meeting.

(4) Each question, including any appeal of a ruling of the chair, shall be decided by a majority vote of the members of the joint committee of each house present and voting.

#### **4.3—Powers of Joint Committees**

(1) A joint committee may exercise the subpoena powers vested by law in a standing committee of the Legislature. A subpoena issued

under this rule must be approved and signed by the President of the Senate and the Speaker of the House of Representatives and attested by the Secretary of the Senate and the Clerk of the House.

(2) A joint committee may adopt rules of procedure that do not conflict with the Florida Constitution or any law or joint rule, subject to the joint approval of the President of the Senate and the Speaker of the House of Representatives.

(3) A joint committee may not create subcommittees or workgroups unless authorized by both presiding officers.

#### **4.4—Administration of Joint Committees**

(1) Within the monetary limitations of the approved operating budget, the expenses of the members and the salaries and expenses of the staff of each joint committee shall be governed by joint policies adopted under Joint Rule 3.2. Within such operating budget, the chair of each joint committee shall approve all authorized member expenses.

(2) Subject to joint policies adopted under Joint Rule 3.2, the presiding officers shall appoint and remove the staff director and, if needed, a general counsel and any other staff necessary to assist each joint committee. All joint committee staff shall serve at the pleasure of the presiding officers. Upon the initial adoption of these joint rules in a biennium, each joint committee staff director position shall be deemed vacant until an appointment is made.

#### **4.5—Special Powers and Duties of the Legislative Auditing Committee**

(1) The Legislative Auditing Committee may direct the Auditor General or the Office of Program Policy Analysis and Government Accountability to conduct an audit, review, or examination of any entity or record described in s. 11.45(2) or (3), Florida Statutes.

(2) The Legislative Auditing Committee may receive requests for audits and reviews from legislators and any audit request, petition for audit, or other matter for investigation directed or referred to it pursuant to general law. The committee may make any appropriate

disposition of such requests or referrals and shall, within a reasonable time, report to the requesting party the disposition of any audit request.

(3) The Legislative Auditing Committee may review the performance of the Auditor General and report thereon to the Senate and the House of Representatives.

#### **4.6—Special Powers and Duties of the Administrative Procedures Committee**

The Administrative Procedures Committee shall:

(1) Maintain a continuous review of the statutory authority on which each administrative rule is based and, whenever such authority is eliminated or significantly changed by repeal, amendment, holding by a court of last resort, or other factor, advise the agency concerned of the fact.

(2) Maintain a continuous review of administrative rules and identify and request an agency to repeal any rule or any provision of any rule that reiterates or paraphrases any statute or for which the statutory authority has been repealed.

(3) Review administrative rules and advise the agencies concerned of its findings.

(4) Exercise the duties prescribed by chapter 120, Florida Statutes, concerning the adoption and promulgation of rules.

(5) Generally review agency action pursuant to the operation of chapter 120, Florida Statutes, the Administrative Procedure Act.

(6) Report to the President of the Senate and the Speaker of the House of Representatives at least annually, no later than the first week of the regular session, and recommend needed legislation or other appropriate action. Such report shall include the number of objections voted by the committee, the number of suspensions recommended by the committee, the number of administrative determinations filed on the invalidity of a proposed or existing rule, the number of petitions for judicial review filed on the invalidity of a proposed or existing rule, and the outcomes of such actions. Such

report shall also include any recommendations provided to the standing committees during the preceding year under subsection (11).

(7) Consult regularly with legislative standing committees that have jurisdiction over the subject areas addressed in agency proposed rules regarding legislative authority for the proposed rules and other matters relating to legislative authority for agency action.

(8) Subject to the approval of the President of the Senate and the Speaker of the House of Representatives, have standing to seek judicial review, on behalf of the Legislature or the citizens of this state, of the validity or invalidity of any administrative rule to which the committee has voted an objection and that has not been withdrawn, modified, repealed, or amended to meet the objection. Judicial review under this subsection may not be initiated until the Governor and the head of the agency making the rule to which the committee has objected have been notified of the committee's proposed action and have been given a reasonable opportunity, not to exceed 60 days, for consultation with the committee. The committee may expend public funds from its appropriation for the purpose of seeking judicial review.

(9) Maintain a continuous review of the administrative rulemaking process, including a review of agency procedure and of complaints based on such agency procedure.

(10) Establish measurement criteria to evaluate whether agencies are complying with the delegation of legislative authority in adopting and implementing rules.

(11) Maintain a continuous review of statutes that authorize agencies to adopt rules and shall make recommendations to the appropriate standing committees of the Senate and the House of Representatives as to the advisability of considering changes to the delegated legislative authority to adopt rules in specific circumstances.

#### **4.7—Special Powers and Duties of the Committee on Public Counsel Oversight**

(1) The Committee on Public Counsel Oversight shall appoint a Public Counsel.

(2) The Committee on Public Counsel Oversight may file a complaint with the Commission on Ethics alleging a violation of chapter 350, Florida Statutes, by a current or former public service commissioner, an employee of the Public Service Commission, or a member of the Public Service Commission Nominating Council.

(3) Notwithstanding Joint Rule 4.4(2), the Committee on Public Counsel Oversight shall not have any permanent staff but shall be served as needed by other legislative staff selected by the President of the Senate and the Speaker of the House of Representatives.

## **JOINT RULE FIVE**

### **AUDITOR GENERAL**

#### **5.1—Rulemaking Authority**

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

#### **5.2—Budget and Accounting**

(1) The Auditor General shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval a proposed budget for the ensuing fiscal year.

(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 for his or her staff 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 Chief Financial Officer, 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) The Auditor General shall transmit a copy of each audit report to the appropriate substantive and fiscal committees of the Senate and House of Representatives.

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

(5) The Auditor General shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by audit reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

(6) A copy required to be provided under this rule may be provided in an electronic or other digital format if the Auditor General determines that the intended recipient has appropriate resources to review the copy. Copies to members, committees, and offices of the Legislature shall be provided in electronic format as may be provided in joint policies adopted under Joint Rule 3.2.

## JOINT RULE SIX

### JOINT LEGISLATIVE BUDGET COMMISSION

#### **6.1—General Responsibilities**

(1) The commission, as provided in chapter 216, Florida Statutes, shall receive and review notices of budget and personnel actions taken or proposed to be taken by the executive and judicial branches and shall approve or disapprove such actions.

(2) Through its chair, the commission shall advise the Governor and the Chief Justice of actions or proposed actions that exceed delegated authority or that are contrary to legislative policy and intent.

(3) To the extent possible, the commission shall inform members of the Legislature of budget amendments requested by the executive or judicial branches.

(4) The commission shall consult with the Chief Financial Officer and the Executive Office of the Governor on matters as required by chapter 216, Florida Statutes.

(5) The President of the Senate and the Speaker of the House of Representatives may jointly assign other responsibilities to the commission in addition to those assigned by law.

(6) The commission shall develop policies and procedures necessary to carry out its assigned responsibilities, subject to the joint approval of the President of the Senate and the Speaker of the House of Representatives.

(7) The commission, with the approval of the President of the Senate and the Speaker of the House of Representatives, may appoint subcommittees as necessary to facilitate its work.

#### **6.2—Organizational Structure**

(1) The commission is not subject to Joint Rule Four. The commission shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) The commission shall be jointly staffed by the appropriations committees of both houses. The Senate shall provide the lead staff when the chair of the commission is a member of the Senate. The House of Representatives shall provide the lead staff when the chair of the commission is a member of the House of Representatives.

### **6.3—Notice of Commission Meetings**

Not less than 7 days prior to a meeting of the commission, a notice of the meeting, stating the items to be considered, date, time, and place, shall be filed with the Secretary of the Senate when the chair of the commission is a member of the Senate or with the Clerk of the House when the chair of the commission is a member of the House of Representatives. The Secretary of the Senate or the Clerk of the House shall distribute notice to the Legislature and the public, consistent with the rules and policies of their respective houses.

### **6.4—Effect of Adoption; Intent**

This Joint Rule Six replaces all prior joint rules governing the Joint Legislative Budget Commission and is intended to implement constitutional provisions relating to the Joint Legislative Budget Commission existing as of the date of the rule's adoption.

## **JOINT RULE SEVEN**

### **QUALIFICATIONS OF MEMBERS**

#### **7.1—Residency**

(1) A member shall be a legal resident and elector of his or her district at the time of election and shall maintain his or her legal residence within that district for the duration of his or her term of office. While a member may have multiple residences, he or she shall have only one legal residence. The legal residence of a member at a designated location is demonstrated by a totality of the circumstances. Factors to be considered include, but are not limited to:

- (a) Where one claims to reside, as reflected in statements to others or in official documents;
- (b) The abandonment of a prior legal residence, as evidenced by moving from or selling a prior legal residence;
- (c) The abandonment of rights and privileges associated with a prior legal residence;
- (d) Where one is registered as a voter;
- (e) Where one claims a legal residence for a homestead exemption;
- (f) Where one claims a legal residence for a driver license or other government privilege or benefit;
- (g) The transfer of one's bank accounts to the district where one maintains a legal residence;
- (h) Where one's spouse and minor children maintain a legal residence, work, and attend school;
- (i) Where one receives mail and other correspondence;
- (j) Where one customarily resides;
- (k) Where one conducts business affairs;
- (l) Where one rents or leases property; and
- (m) Where one plans the construction of a new legal residence.

(2) In accordance with Section 3 of Article X of the Florida Constitution, a vacancy in office occurs when a member fails to maintain a legal residence within his or her district as required at the time of election.

(3) In accordance with Section 2 of Article III of the Florida Constitution, each house of the Legislature shall be the sole judge of the qualifications of its members, including whether a member no longer satisfies his or her qualifications for office.

(4) Each member shall affirm in writing that he or she is a legal resident and elector of his or her district based on the provisions of this Joint Rule. Each member shall file the written affirmation with the Secretary of the Senate or the Clerk of the House of Representatives before the convening of Organization Session following each general election. For a member who is elected pursuant to a special election,

the member must execute the written affirmation before or concurrent with taking the oath of office and provide such affirmation to the Secretary of the Senate or the Clerk of the House of Representatives. The form of the written affirmation shall be prescribed by the Secretary of the Senate and the Clerk of the House of Representatives for members of their respective house of the Legislature.

**A**

**Administrative procedures committee**

- Generally, rule 4
- Responsibilities, rule 4.6

**Amendments**

- Appropriations bill
  - Amendments to, rule 2.1
  - Public review period, rule 2.1

**Appeals**

- Lobbying firm, appeal or dispute fine, rule 1.5

**Appropriations bill**

- Definition, rule 2.2
- Public review, 72-hour notice, rule 2.1

**Auditing committee, legislative**

- Audits, requests for, rule 4.5
- Generally, rule 4
- Responsibilities, rule 4.5

**Auditor general**

- Audit reports, rules 4.5, 5.3
- Budget and accounting, rule 5.2
- Generally, rule 5
- Operating budget, submission of, rule 5.2
- Performance review of, rule 4.5
- Recommendations, rule 5.3
- Rulemaking authority, rule 5.1

**B**

**Budget commission, joint legislative, rule 6**

**C**

**Committee on public counsel oversight**

- Generally, rule 4
- Responsibilities, rule 4.7

**Committees, senate**

- Lobbying, registration requirement, rule 1

**Conference committees**

- Public review period, rule 2.1
- Reports, availability, rule 2.1

**E**

**Economic and demographic research, office of, rule 3.1**

**H**

**Hearings**

- Lobbying, appeal or dispute fine, rule 1.5

**J**

**Joint administrative procedures committee**

- Generally, rule 4
- Responsibilities, rule 4.6

**Joint committee on public counsel oversight**

- Generally, rule 4
- Responsibilities, rule 4.7

**Joint legislative auditing committee**

- Audits, requests for, rule 4.5
- Generally, rule 4
- Responsibilities, rule 4.5

**Joint legislative budget commission, rule 6**

**Journal**

- Secretary of the senate duties, rule 2.1

**L**

**Legislative budget commission, joint, rule 6**

**Legislative information technology services, office of**, rule 3.1

**Legislative services**

- Duties re lobbyist registration, rule 1
- General counsel, rules 1.5, 1.8
- Office of, rule 3.1
- Organizational structure, rule 3.1
- Policies, rule 3.2

**Lobbying**

- Complaint procedure, rule 1.7
- Defined, rule 1.1
- Exemption from registration costs, rule 1.3
- Lobbyist registration
  - Appeal of fines; hearings, rule 1.5
  - Cancellation or termination of registration, rule 1.2
  - Committee appearance records, rule 1.1
  - Complaint procedure re records retention, rule 1.7
  - Costs, exemptions, rule 1.3
  - Definitions, rule 1.1
  - Fines, rule 1.5
  - Lobbying firm compensation reporting, rule 1.4
  - Method of registration, rule 1.2
  - Notice of cancellation of registration, rule 1.2
  - Notice of fines, rule 1.5
  - Open records, rule 1.6
  - Penalties, rule 1.5
  - Questions regarding interpretation, rule 1.8
  - Records retention and inspection, rule 1.7
  - Registration costs; exemptions, rule 1.3
  - Removal of name from list, rule 1.2
  - Reports required
    - Lobbying firm compensation report, rule 1.4
    - Reporting periods, rule 1.4
    - Request for waiver of fine, rule 1.5
    - Timeliness of reports, rule 1.4
  - Requirements, rule 1.1
  - Suspension of registration, rule 1.5

**Lobbying (Cont.)**

- Termination of representation, rule 1.2
- Those required to register; exemptions, rule 1.1
- Waiver of filing report, rule 1.5
- Penalties, rule 1.5
- Records, inspection, rule 1.7
- Registration requirement, rule 1.1

**Lobbyist registration and compensation reporting system (LRCRS)**, rule 1

**Lobbyist registration office (LRO)**, rule 1

**O**

**Office of economic and demographic research**, rule 3.1

**Office of legislative information technology services**, rule 3.1

**Office of legislative services**, rule 3.1

**Office of program policy analysis and government accountability**, rule 3.1

**P**

**Program policy analysis and government accountability, office of**, rule 3.1

**Public counsel oversight, committee on**  
Generally, rule 4  
Responsibilities, rule 4.7

**R**

**Registration of lobbyists**, rule 1.1

**Residency**, rule 7.1

**Review period, general appropriations  
bill**, rule 2.1

**S**

**Secretary of the senate**

Appropriations bill, duties re review period,  
copies furnished, rule 2.1  
Journal, rule 2.1

**V**

**Voting**

Conference committee reports, public  
review period, rule 2.1



## **GERMANITY STANDARDS**

### **(Pursuant to Rules 7.1(3) and 2.39(2)(c))**

A proposed amendment must:

1. Be related to the same subject as the original measure,
2. Be a natural and logical expansion of the subject matter of the original proposal, and
3. Not raise a new, independent issue.

The Senator raising the point of order has the burden of showing that the amendment is not germane.

## **COMMON FLOOR MOTIONS**

### **AMENDMENTS**

#### **Adopt**

Mr. [Madam] President, I move the adoption of the amendment. *(Rules 7.1 and 7.2, **majority vote of those present and voting** on second reading; **2/3 vote of those present and voting** on third reading)*

#### **Concur in House Amendment**

Mr. [Madam] President, I move that the Senate concur in House Amendment Barcode No(s) \_\_ to Senate Bill \_\_. *(Rule 7.8, **majority vote of those present and voting**, but final bill vote requirements remain the same)*

#### **Concur in House Amendment as Amended**

Mr. [Madam] President, I move that the Senate concur in House Amendment Barcode No(s) \_\_, as amended, to Senate Bill \_\_. *(Rule 7.8, **majority vote of those present and voting**, but final bill vote requirements remain the same)*

#### **Recede from Senate Amendment**

Mr. [Madam] President, I move that the Senate recede from Senate Amendment No(s) \_\_ to House Bill \_\_. *(Rule 7.9, **majority vote of those present and voting**, but final bill vote requirements remain the same)*

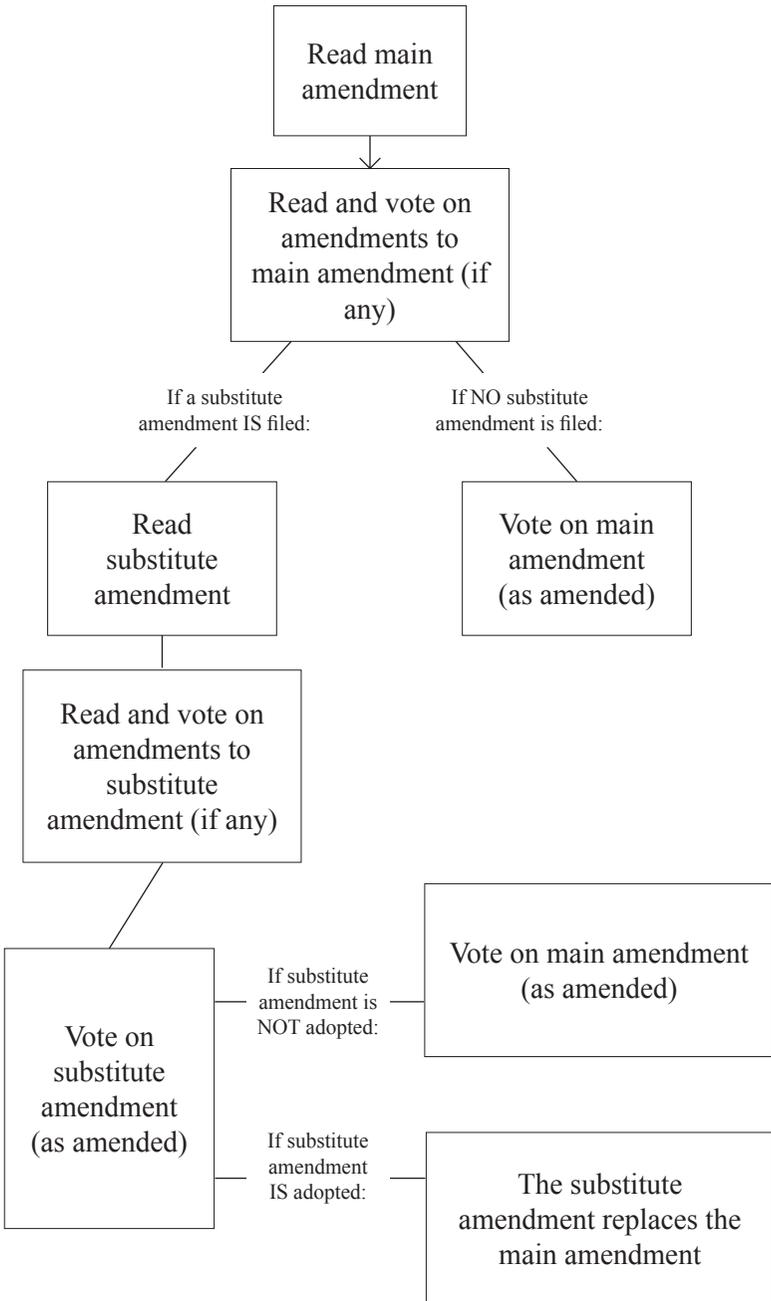
### **Refuse to Concur in House Amendment**

Mr. [Madam] President, I move that the Senate refuse to concur in House Amendment Barcode No(s) \_\_ to Senate Bill \_\_ and request the House to recede. (*Rule 7.8, majority vote of those present and voting*)

### **Reconsider**

Mr. [Madam] President, I move that the Senate reconsider the vote by which amendment number \_\_ was adopted [failed]. (*Rules 6.5 and 6.7, majority vote of those present and voting*)

# SENATE AMENDMENT TREE



## **BILLS**

### **Substitute Companion Bill**

Mr. [Madam] President, I move that House Bill \_\_ be substituted for Senate Bill \_\_. (*Rule 3.11, **majority vote of those present and voting** if bills on same reading, **2/3 vote of those present and voting** if bills not on same reading. A companion measure shall be substantially the same and identical as to specific intent and purpose. If not, a **2/3 vote of those present and voting** is required to waive the rule in order to substitute.*)

### **Immediately Certify**

Mr. [Madam] President, I move that the Rules be waived and the Senate immediately certify Senate [House] Bill \_\_ to the House. (*Rule 6.8, **2/3 vote of those present and voting***)

### **Take up Third Reading Same Day as Second Reading**

Mr. [Madam] President, I move that Senate Bill \_\_ be read the third time and placed on final passage. (*Art. III, s. 7, State Constitution; Rule 4.12, **2/3 vote of those present and voting***)

### **Reconsider**

Mr. [Madam] President, I move that the Senate reconsider the vote by which Senate Bill \_\_ passed [failed to pass]. (*Rules 6.4 and 6.5, **majority vote of those present and voting***)

### **Reconsider Instantly (Before Last 14 Days)**

Mr. [Madam] President, I move that the Rules be waived and the Senate immediately reconsider the vote by which Senate Bill \_\_ passed [failed to pass]. (*Rules 6.4 and 11.2, **2/3 vote of those present and voting***)

### **Withdraw from Committee**

Mr. [Madam] President, I move that Senate Bill \_\_ be withdrawn from the Committee(s) on \_\_. (*Rule 4.10, 2/3 vote of those present and voting*)

### **Withdraw Bill from Further Consideration**

Mr. [Madam] President, I move that the Rules be waived and Senate Bill \_\_ be withdrawn from the committee(s) of reference and further consideration. (*Rules 3.8(5) and 11.2, 2/3 vote of those present and voting*)

### **Withdraw Committee Substitute from Further Consideration**

Mr. [Madam] President, I move that Committee Substitute for Senate Bill \_\_ be withdrawn from the committee(s) of reference and further consideration. (*Rule 6.10, unanimous consent*)

### **Take up Out of Order**

Mr. [Madam] President, I [wish to give 15 minutes notice of my intention to] move that Senate Bill \_\_ (*state position on calendar*) be considered out of order. (*Rule 4.16, unanimous consent*)

### **Introduce after Deadline for Filing**

Mr. [Madam] President, I move that a bill relating to (*subject*) be introduced, notwithstanding the fact that the deadline for filing bills has passed. (*Rule 3.7(3), motion referred to the Rules Committee*)

### **Add to End of Special Order Calendar**

Mr. [Madam] President, I move that Senate Bill \_\_ be added to the Special Order Calendar. (*Rule 4.17(2)(c), 2/3 vote of those present and voting*)

### **Indefinitely Postpone**

Mr. [Madam] President, I move that Senate Bill \_\_ [with pending amendments] be indefinitely postponed. (*Rules 6.2, 6.9, and 11.4, majority vote of those present and voting*)

## **Strike from Special Order Calendar**

Mr. [Madam] President, I move that Senate Bill \_\_ be stricken from the Special Order Calendar. (*Rule 4.17(2)(b), 2/3 vote of those present and voting*)

## **Introduce outside Call during Special Session**

Mr. [Madam] President, I move that Senate Bill \_\_ be admitted for introduction although it is outside the call. (*Art. III, s. 3(c)(1), State Constitution, 2/3 vote of the membership*)

## **CONFERENCE COMMITTEES**

### **Appointment (Appropriations Bill)**

#### **Senate Bills with or without House Companions**

Mr. [Madam] President, I move that the Senate request that the House pass Senate Bill \_\_ as passed by the Senate, or agree to include the bill in the budget conference. (*Rules 2.19, 7.8, and 7.9, majority vote of those present and voting*)

#### *Alternative Wording*

Mr. [Madam] President, I move that the Senate request that the House concur in Senate Bill \_\_ or agree to include the bill in the budget conference. (*Rules 2.19, 7.8, and 7.9, majority vote of those present and voting*)

#### **House Bills with or without Senate Companions**

Mr. [Madam] President, having refused to pass House Bill \_\_ as passed by the House, the Senate accedes to the request for conference. (*Rules 2.19, 7.8, and 7.9, majority vote of those present and voting*)

#### *Alternative Wording*

Mr. [Madam] President, having refused to concur in House Bill \_\_, the Senate accedes to the request for conference. (*Rules 2.19, 7.8, and 7.9, majority vote of those present and voting*)

## **Appointment (Substantive Bill)**

Mr. [Madam] President, I move that a conference committee be appointed on the part of the Senate to confer with a like committee on the part of the House on Senate Bill \_\_ to consider the differences between the two houses. (*Rules 7.8 and 7.9, majority vote of those present and voting*)

## **DEBATE**

### **Limitation**

Mr. [Madam] President, I move that debate be limited to \_\_ minutes per side on the amendment [bill]. (*Rule 8.6, 2/3 vote of those present and voting*)

## **EXECUTIVE APPOINTMENTS**

### **Adopt Report of Committee**

Mr. [Madam] President, I move that the report of the committee be adopted, and the Senate confirm the appointment(s) set forth in the committee report. (*Rules 12.7 and 11.4, majority vote of those present and voting*)

## **EXECUTIVE SUSPENSIONS**

### **Reinstate**

Mr. [Madam] President, I move that the Senate find the evidence insufficient to support the Executive Order of Suspension by the Governor, and that (*name of person*) not be removed from the office of (*name of office*) from which he [she] has been suspended, and that he [she] be reinstated therein pursuant to the *State Constitution* and the *Florida Statutes*. (*Rules 12.7, 12.9, and 11.4, majority vote of those present and voting*)

## **Remove**

Mr. [Madam] President, I move that the Senate find the evidence supports the Executive Order of Suspension by the Governor, and that (*name of person*) be removed from the office of (*name of office*) pursuant to the *State Constitution* and the *Florida Statutes*. (*Rules 12.7, 12.9, and 11.4, majority vote of those present and voting*)

## **PERSONAL PRIVILEGE**

Mr. [Madam] President, I rise to a point of personal privilege relating to (*subject*) and ask permission to address the Senate. (*Rules 6.2 and 8.11*)

## **RECONVENE SENATE**

### **At Other than the Scheduled Time**

Mr. [Madam] President, I move that when the Senate adjourns that it reconvene at (*time*), (*date*). (*Rules 4.1 and 6.2, majority vote of those present and voting*)

## **VETO OVERRIDES**

### **General Bill**

Mr. [Madam] President, I move that Senate Bill \_\_ of the 20\_\_ Session be passed, the veto of the Governor to the contrary notwithstanding. (*Art. III, s. 8(c), State Constitution, 2/3 vote of those present and voting*)

### **Line Items of Appropriations Bill**

Mr. [Madam] President, I move that Item(s) \_\_ in Senate Bill \_\_ of the 20\_\_ Session be passed, the veto of the Governor to the contrary notwithstanding. (*Art. III, s. 8(c), State Constitution, 2/3 vote of those present and voting*)

# VOTE REQUIRED

## SENATE RULES

### Two-thirds (2/3) Vote of Senators Present and Voting:

#### ***Chamber***

To amend a bill on third (3rd) reading (except title or corrective amendment) [*Rule 7.2*]

To approve or amend a report of the Committee on Rules relating to action on the Rules and Order of Business in the Senate [*Rule 11.3*]

To consider a bill upon which an unfavorable committee report has been filed [*Rule 4.7*]

To consider a late-filed amendment, if any Senator requests that such vote be taken [*Rule 7.1*]

To establish, strike a bill from, or add a bill to the Special Order Calendar [*Rule 4.17*]

To immediately certify any bill to the House [*Rule 6.8*]

To introduce a claim bill after the deadline for filing claim bills or to consider a House claim bill without a Senate companion [*Rule 4.81*]

To limit debate [*Rule 8.6*]

To recommit a bill that has been reported by a committee [*Rule 2.15*]

To refer a bill to a different committee or remove from a committee [*Rule 4.10*]

To refer, commit, or amend a bill on third (3rd) reading (except corrective or title amendment) [*Rule 4.15*]

To spread remarks upon the Journal [*Rule 4.11*]

To substitute a House companion measure not on same reading [Rule 3.11]

To waive or suspend Senate Rules [Rule 11.2]

To waive readings of a bill or a joint resolution on three (3) separate days [Rule 4.12]

To waive readings of certain concurrent resolutions or memorials on two (2) separate days [Rule 4.13]

### **Committee**

To consider a late-filed amendment, if any member requests that such a vote be taken [Rule 2.39]

To limit debate [Rule 2.50]

To reject an unfavorable report by a subcommittee [Rule 2.16]

To reconsider instanter [Rule 2.35]

## **Two-thirds (2/3) Vote of the Membership of 40:**

### **Chamber**

To censure, reprimand, or expel a Senator determined to have violated the requirements of the Rule regulating ethics and conduct [Rule 1.43]

## **Unanimous Consent of Senators Present:**

### **Chamber**

To adopt a motion to waive a Rule requiring unanimous consent [Rule 11.2]

To change a vote after the results have been announced [Rule 5.2]

To consider a bill which has not been reported favorably by at least one Senate committee [Rule 4.3]

To consider a bill out of order on a Senate calendar [Rule 4.16]

To reconsider a bill after the Senate has refused to reconsider or confirmed its first action [Rule 6.4]

To withdraw a committee substitute from further consideration [Rule 6.10]

**Committee**

To vote or change a vote after the results have been announced [Rule 2.28]

To consider a bill out of order on committee agenda [Rule 2.12]

To reconsider a bill after the committee has refused to reconsider or confirmed its first action [Rule 2.35]

To withdraw a motion to reconsider [Rule 2.32]

**Show of Hands:**

**Chamber**

Five (5) Senators may immediately question a vote declared by the President, requiring an electronic roll call [Rule 5.1; Art. III, s. 4(c), State Constitution]

**Committee**

Two (2) committee members may request a roll call vote on any matter or motion properly before the committee [Rule 2.15; Art. III, s. 4(c), State Constitution]

Two (2) committee members may question a vote declared by the chair, requiring a roll call vote [Rule 2.28; Art. III, s. 4(c), State Constitution]

# CONSTITUTION OF THE STATE OF FLORIDA

## **Two-thirds (2/3) Vote of Senators Present:**

To convict impeached officer [Art. III, s. 17(c)]

To override veto [Art. III, s. 8(c)]

To provide an exemption from public records or public meeting requirements [Art. I, s. 24(c)]

To waive readings of a bill on three (3) separate days [Art. III, s. 7]

## **Two-thirds (2/3) Vote of the Membership of 40:**

To enact a bill increasing state revenues [Art. VII, s. 1(e)]

To enact a general bill reducing authority of counties or municipalities to raise aggregate revenues above 2-1-1989 level (exceptions apply) [Art. VII, s. 18(b)]

To enact a general bill reducing the percentage of a state tax shared with counties or municipalities below 2-1-1989 level (exceptions apply) [Art. VII, s. 18(c)]

To enact a general bill requiring counties or municipalities to spend money or to take action requiring expenditure of money (exceptions apply) [Art. VII, s. 18(a)]

To expel a member [Art. III, s. 4(d)]

To increase or decrease number of justices recommended by Supreme Court [Art. V, s. 9]

To introduce, during special session, business not within purview of proclamation [Art. III, s. 3(c)(1)]

To repeal the rules of court by general law [Art. V, s. 2(a)]

To take up new business during extended session [Art. III, s. 3(d)]

### **Three-fourths (3/4) Vote of the Membership of 40:**

To enact a bill for special election on constitutional amendment [Art. XI, s. 5(a)]

### **Three-fifths (3/5) Vote of Senators Present:**

To extend session beyond the 60-day regular or 20-day special session limit [Art. III, s. 3(d)]

### **Three-fifths (3/5) Vote of the Membership of 40:**

To convey certain private property taken by eminent domain on or after 1-2-2007, to a natural person or private entity [Art. X, s. 6(c)]

To create or re-create a trust fund [Art. III, s. 19(f)(1)]

To exceed limit on corporate income tax [Art. VII, s. 5(b)]

To exceed limitation on appropriations made for recurring purposes from nonrecurring general revenue funds [Art. III, s. 19(a)(2)]

To prohibit a special law pertaining to specified subject [Art. III, s. 11(a)(21)]

To propose constitutional amendment (Joint Resolution) [Art. XI, s. 1]

## **NOTICE AND REVIEW REQUIREMENTS**

### **CONFERENCE COMMITTEES**

#### **Notice Requirements:**

##### ***Filing***

A notice must be filed with the Secretary at least one (1) hour prior to the meeting. The notice must state the date, time, and place of the meeting along with the names of the conferees and scheduled participants [Rule 2.19(1)]

## **Review Requirements:**

### **Implementing or Conforming Bills**

Twenty-four (24) hour public review period required before final passage if report submitted after furnishing of the general appropriations bill [Joint Rule 2.1(8)]

### **Substantive Bills**

Twelve (12) hour review period for membership prior to the time the bill is scheduled to be taken up on the Senate floor [Rule 4.5(1)]

## **CONSTITUTIONAL REQUIREMENTS**

### **CONSTITUTION OF THE STATE OF FLORIDA**

## **Financial Impact Statement Required:**

A statement regarding the probable financial impact of any amendment proposed by initiative must be given to the public prior to the holding of an election [Art. XI, s. 5(c)]

## **Public Review Period:**

### **Bills Increasing State Revenues**

Seventy-two (72) hour period required after third (3rd) reading before final passage [Art. VII, s. 1(e)]

### **General Appropriations Bills**

Seventy-two (72) hour public review period required before final passage [Art. III, s. 19(d)]

## TABLE OF VOTES

Two-thirds (2/3) of Membership—27 Yeas  
Three-fifths (3/5) of Membership—24 Yeas  
Three-fourths (3/4) of Membership—30 Yeas

Total Votes Cast	Necessary two-thirds (2/3)
21 . . . . .	14
22 . . . . .	15
23 . . . . .	16
24 . . . . .	16
25 . . . . .	17
26 . . . . .	18
27 . . . . .	18
28 . . . . .	19
29 . . . . .	20
30 . . . . .	20
31 . . . . .	21
32 . . . . .	22
33 . . . . .	22
34 . . . . .	23
35 . . . . .	24
36 . . . . .	24
37 . . . . .	25
38 . . . . .	26
39 . . . . .	26
40 . . . . .	27

(Quorum = 21)



# COMMITTEES OF THE SENATE AND JOINT LEGISLATIVE COMMITTEES

*(See Senate Rule 2.1)*  
*(Revised August 3, 2015)*

## STANDING COMMITTEES AND SUBCOMMITTEES

### **AGRICULTURE**

Senator Montford, Chair; Senator Dean, Vice Chair; Senators Bullard, Galvano, Garcia, Grimsley, and Sobel

### **APPROPRIATIONS**

Senator Lee, Chair; Senator Benacquisto, Vice Chair; Senators Altman, Flores, Gaetz, Galvano, Garcia, Grimsley, Hays, Hukill, Joyner, Latvala, Margolis, Montford, Negrón, Richter, Ring, Simmons, and Smith

#### **Appropriations Subcommittee on Criminal and Civil Justice**

Senator Negrón, Chair; Senator Joyner, Vice Chair; Senators Bradley, Evers, Flores, Hutson, and Soto

#### **Appropriations Subcommittee on Education**

Senator Gaetz, Chair; Senator Montford, Vice Chair; Senators Bullard, Galvano, Legg, Ring, Simmons, and Stargel

#### **Appropriations Subcommittee on General Government**

Senator Hays, Chair; Senator Braynon, Vice Chair; Senators Altman, Dean, Lee, Margolis, and Simpson

#### **Appropriations Subcommittee on Health and Human Services**

Senator Garcia, Chair; Senator Smith, Vice Chair; Senators Abruzzo, Bean, Benacquisto, Grimsley, Richter, and Sobel

#### **Appropriations Subcommittee on Transportation, Tourism, and Economic Development**

Senator Latvala, Chair; Senator Clemens, Vice Chair; Senators Brandes, Detert, Diaz de la Portilla, Gibson, Hukill, Sachs, and Thompson

### **BANKING AND INSURANCE**

Senator Benacquisto, Chair; Senator Richter, Vice Chair; Senators Clemens, Detert, Hukill, Lee, Margolis, Montford, Negrón, Simmons, and Smith

## **CHILDREN, FAMILIES, AND ELDER AFFAIRS**

Senator Sobel, Chair; Senator Altman, Vice Chair; Senators Dean, Detert, Garcia, Hutson, and Ring

## **COMMERCE AND TOURISM**

Senator Detert, Chair; Senator Thompson, Vice Chair; Senators Bean, Hutson, Latvala, Richter, and Ring

## **COMMUNICATIONS, ENERGY, AND PUBLIC UTILITIES**

Senator Grimsley, Chair; Senator Hukill, Vice Chair; Senators Abruzzo, Bradley, Dean, Evers, Garcia, Gibson, Hutson, and Sachs

## **COMMUNITY AFFAIRS**

Senator Simpson, Chair; Senator Brandes, Vice Chair; Senators Abruzzo, Bradley, Dean, Diaz de la Portilla, Hutson, and Thompson

## **CRIMINAL JUSTICE**

Senator Evers, Chair; Senator Gibson, Vice Chair; Senators Bradley, Brandes, and Clemens

## **EDUCATION PRE-K - 12**

Senator Legg, Chair; Senator Detert, Vice Chair; Senators Benacquisto, Brandes, Bullard, Clemens, Gaetz, Galvano, Garcia, Montford, and Sobel

## **ENVIRONMENTAL PRESERVATION AND CONSERVATION**

Senator Dean, Chair; Senator Simpson, Vice Chair; Senators Altman, Evers, Hays, Hutson, Simmons, Smith, and Soto

## **ETHICS AND ELECTIONS**

Senator Richter, Chair; Senator Legg, Vice Chair; Senators Braynon, Clemens, Flores, Gaetz, Hays, Negron, Smith, and Thompson

## **FINANCE AND TAX**

Senator Hukill, Chair; Senator Abruzzo, Vice Chair; Senators Altman, Diaz de la Portilla, Flores, Margolis, Simpson, and Soto

## **FISCAL POLICY**

Senator Flores, Chair; Senator Bradley, Vice Chair; Senators Abruzzo, Bean, Clemens, Hays, Hukill, Legg, Margolis, Sachs, and Stargel

## **GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY**

Senator Ring, Chair; Senator Hays, Vice Chair; Senators Bullard, Latvala, and Legg

## **HEALTH POLICY**

Senator Bean, Chair; Senator Sobel, Vice Chair; Senators Braynon, Flores, Gaetz, Galvano, Garcia, Grimsley, and Joyner

## **HIGHER EDUCATION**

Senator Stargel, Chair; Senator Sachs, Vice Chair; Senators Benacquisto, Braynon, Gaetz, Joyner, Legg, Negron, and Simmons

## **JUDICIARY**

Senator Diaz de la Portilla, Chair; Senator Ring, Vice Chair; Senators Bean, Benacquisto, Brandes, Joyner, Simmons, Simpson, Soto, and Stargel

## **MILITARY AND VETERANS AFFAIRS, SPACE, AND DOMESTIC SECURITY**

Senator Altman, Chair; Senator Gibson, Vice Chair; Senators Evers, Sachs, and Stargel

## **REAPPORTIONMENT**

Senator Galvano, Chair; Senator Braynon, Vice Chair; Senators Bradley, Gibson, Lee, Montford, and Simmons

## **REGULATED INDUSTRIES**

Senator Bradley, Chair; Senator Margolis, Vice Chair; Senators Abruzzo, Bean, Braynon, Diaz de la Portilla, Flores, Latvala, Negron, Richter, Sachs, and Stargel

## **RULES**

Senator Simmons, Chair; Senator Soto, Vice Chair; Senators Benacquisto, Diaz de la Portilla, Gaetz, Galvano, Gibson, Joyner, Latvala, Lee, Montford, Negron, and Richter

## **TRANSPORTATION**

Senator Brandes, Chair; Senator Bullard, Vice Chair; Senators Braynon, Evers, Grimsley, Simpson, and Thompson

## **JOINT LEGISLATIVE COMMITTEES**

### **JOINT ADMINISTRATIVE PROCEDURES COMMITTEE**

Senator Grimsley, Alternating Chair; Senators Bean, Bullard, Detert, and Thompson

### **JOINT COMMITTEE ON PUBLIC COUNSEL OVERSIGHT**

Senator Smith, Alternating Chair; Senators Brandes, Hukill, Soto, and Stargel

**JOINT LEGISLATIVE AUDITING COMMITTEE**

Senator Abruzzo, Alternating Chair; Senators Benacquisto, Bradley, Gibson, and Simpson

**JOINT SELECT COMMITTEES**

**JOINT SELECT COMMITTEE ON COLLECTIVE BARGAINING**

Senator Hays, Alternating Chair; Senators Benacquisto, Bradley, Bullard, and Ring

**OTHER LEGISLATIVE ENTITIES**

**JOINT LEGISLATIVE BUDGET COMMISSION**

Senator Lee, Alternating Chair; Senators Braynon, Galvano, Garcia, Grimsley, Joyner, and Simmons

## COMMITTEE ASSIGNMENTS BY SENATOR

(Standing Committees and Subcommittees in Roman type,  
*Joint Committees and Other Legislative Entities in Italics*)

(Revised August 3, 2015)

---

### **Joseph Abruzzo**, 25th District

Finance and Tax, Vice Chair; Appropriations Subcommittee on Health and Human Services; Communications, Energy, and Public Utilities; Community Affairs; Fiscal Policy; Regulated Industries; *Joint Legislative Auditing Committee, Alternating Chair*

### **Thad Altman**, 16th District

Military and Veterans Affairs, Space, and Domestic Security, Chair; Children, Families, and Elder Affairs, Vice Chair; Appropriations; Appropriations Subcommittee on General Government; Environmental Preservation and Conservation; Finance and Tax

### **Aaron Bean**, 4th District

Health Policy, Chair; Appropriations Subcommittee on Health and Human Services; Commerce and Tourism; Fiscal Policy; Judiciary; Regulated Industries; *Joint Administrative Procedures Committee*

### **Lizbeth Benacquisto**, 30th District

Banking and Insurance, Chair; Appropriations, Vice Chair; Appropriations Subcommittee on Health and Human Services; Education Pre-K - 12; Higher Education; Judiciary; Rules; *Joint Legislative Auditing Committee; Joint Select Committee on Collective Bargaining*

### **Rob Bradley**, 7th District

Regulated Industries, Chair; Fiscal Policy, Vice Chair; Appropriations Subcommittee on Criminal and Civil Justice; Communications, Energy, and Public Utilities; Community Affairs; Criminal Justice; Reapportionment; *Joint Legislative Auditing Committee; Joint Select Committee on Collective Bargaining*

### **Jeff Brandes**, 22nd District

Transportation, Chair; Community Affairs, Vice Chair; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Criminal Justice; Education Pre-K - 12; Judiciary; *Joint Committee on Public Counsel Oversight*

### **Oscar Braynon II**, 36th District

Appropriations Subcommittee on General Government, Vice Chair; Reapportionment, Vice Chair; Ethics and Elections; Health Policy; Higher Education; Regulated Industries; Transportation; *Joint Legislative Budget Commission*

**Dwight Bullard**, 39th District

Transportation, Vice Chair; Agriculture; Appropriations Subcommittee on Education; Education Pre-K - 12; Governmental Oversight and Accountability; *Joint Administrative Procedures Committee*; *Joint Select Committee on Collective Bargaining*

**Jeff Clemens**, 27th District

Appropriations Subcommittee on Transportation, Tourism, and Economic Development, Vice Chair; Banking and Insurance; Criminal Justice; Education Pre-K - 12; Ethics and Elections; Fiscal Policy

**Charles S. “Charlie” Dean, Sr.**, 5th District

Environmental Preservation and Conservation, Chair; Agriculture, Vice Chair; Appropriations Subcommittee on General Government; Children, Families, and Elder Affairs; Communications, Energy, and Public Utilities; Community Affairs

**Nancy C. Detert**, 28th District

Commerce and Tourism, Chair; Education Pre-K - 12, Vice Chair; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Banking and Insurance; Children, Families, and Elder Affairs; *Joint Administrative Procedures Committee*

**Miguel Diaz de la Portilla**, 40th District

Judiciary, Chair; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Community Affairs; Finance and Tax; Regulated Industries; Rules

**Greg Evers**, 2nd District

Criminal Justice, Chair; Appropriations Subcommittee on Criminal and Civil Justice; Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; Military and Veterans Affairs, Space, and Domestic Security; Transportation

**Anitere Flores**, 37th District

Fiscal Policy, Chair; Appropriations; Appropriations Subcommittee on Criminal and Civil Justice; Ethics and Elections; Finance and Tax; Health Policy; Regulated Industries

**Don Gaetz**, 1st District

Appropriations Subcommittee on Education, Chair; Appropriations; Education Pre-K - 12; Ethics and Elections; Health Policy; Higher Education; Rules

**Bill Galvano**, 26th District

Reapportionment, Chair; Agriculture; Appropriations; Appropriations Subcommittee on Education; Education Pre-K - 12; Health Policy; Rules; *Joint Legislative Budget Commission*

**Rene Garcia**, 38th District

Appropriations Subcommittee on Health and Human Services, Chair; Agriculture; Appropriations; Children, Families, and Elder Affairs; Communications, Energy, and Public Utilities; Education Pre-K - 12; Health Policy; *Joint Legislative Budget Commission*

**Audrey Gibson**, 9th District

Criminal Justice, Vice Chair; Military and Veterans Affairs, Space, and Domestic Security, Vice Chair; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Communications, Energy, and Public Utilities; Reapportionment; Rules; *Joint Legislative Auditing Committee*

**Denise Grimsley**, 21st District

Communications, Energy, and Public Utilities, Chair; Agriculture; Appropriations; Appropriations Subcommittee on Health and Human Services; Health Policy; Transportation; *Joint Administrative Procedures Committee, Alternating Chair; Joint Legislative Budget Commission*

**Alan Hays**, 11th District

Appropriations Subcommittee on General Government, Chair; Governmental Oversight and Accountability, Vice Chair; Appropriations; Environmental Preservation and Conservation; Ethics and Elections; Fiscal Policy; *Joint Select Committee on Collective Bargaining, Alternating Chair*

**Dorothy L. Hukill**, 8th District

Finance and Tax, Chair; Communications, Energy, and Public Utilities, Vice Chair; Appropriations; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Banking and Insurance; Fiscal Policy; *Joint Committee on Public Counsel Oversight*

**Travis Hutson**, 6th District

Appropriations Subcommittee on Criminal and Civil Justice; Children, Families, and Elder Affairs; Commerce and Tourism; Communications, Energy, and Public Utilities; Community Affairs; Environmental Preservation and Conservation

**Arthenia L. Joyner**, 19th District

Appropriations Subcommittee on Criminal and Civil Justice, Vice Chair; Appropriations; Health Policy; Higher Education; Judiciary; Rules; *Joint Legislative Budget Commission*

**Jack Latvala**, 20th District

Appropriations Subcommittee on Transportation, Tourism, and Economic Development, Chair; Appropriations; Commerce and Tourism; Governmental Oversight and Accountability; Regulated Industries; Rules

**Tom Lee**, 24th District

Appropriations, Chair; Appropriations Subcommittee on General Government; Banking and Insurance; Reapportionment; Rules; *Joint Legislative Budget Commission, Alternating Chair*

**John Legg**, 17th District

Education Pre-K - 12, Chair; Ethics and Elections, Vice Chair; Appropriations Subcommittee on Education; Fiscal Policy; Governmental Oversight and Accountability; Higher Education

**Gwen Margolis**, 35th District

Regulated Industries, Vice Chair; Appropriations; Appropriations Subcommittee on General Government; Banking and Insurance; Finance and Tax; Fiscal Policy

**Bill Montford**, 3rd District

Agriculture, Chair; Appropriations Subcommittee on Education, Vice Chair; Appropriations; Banking and Insurance; Education Pre-K - 12; Reapportionment; Rules

**Joe Negron**, 32nd District

Appropriations Subcommittee on Criminal and Civil Justice, Chair; Appropriations; Banking and Insurance; Ethics and Elections; Higher Education; Regulated Industries; Rules

**Garrett Richter**, 23rd District

Ethics and Elections, Chair; Banking and Insurance, Vice Chair; Appropriations; Appropriations Subcommittee on Health and Human Services; Commerce and Tourism; Regulated Industries; Rules

**Jeremy Ring**, 29th District

Governmental Oversight and Accountability, Chair; Judiciary, Vice Chair; Appropriations; Appropriations Subcommittee on Education; Children, Families, and Elder Affairs; Commerce and Tourism; *Joint Select Committee on Collective Bargaining*

**Maria Lorts Sachs**, 34th District

Higher Education, Vice Chair; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Communications, Energy, and Public Utilities; Fiscal Policy; Military and Veterans Affairs, Space, and Domestic Security; Regulated Industries

**David Simmons**, 10th District

Rules, Chair; Appropriations; Appropriations Subcommittee on Education; Banking and Insurance; Environmental Preservation and Conservation; Higher Education; Judiciary; Reapportionment; *Joint Legislative Budget Commission*

**Wilton Simpson**, 18th District

Community Affairs, Chair; Environmental Preservation and Conservation, Vice Chair; Appropriations Subcommittee on General Government; Finance and Tax; Judiciary; Transportation; *Joint Legislative Auditing Committee*

**Christopher L. Smith**, 31st District

Appropriations Subcommittee on Health and Human Services, Vice Chair; Appropriations; Banking and Insurance; Environmental Preservation and Conservation; Ethics and Elections; *Joint Committee on Public Counsel Oversight, Alternating Chair*

**Eleanor Sobel**, 33rd District

Children, Families, and Elder Affairs, Chair; Health Policy, Vice Chair; Agriculture; Appropriations Subcommittee on Health and Human Services; Education Pre-K - 12

**Darren Soto**, 14th District

Rules, Vice Chair; Appropriations Subcommittee on Criminal and Civil Justice; Environmental Preservation and Conservation; Finance and Tax; Judiciary; *Joint Committee on Public Counsel Oversight*

**Kelli Stargel**, 15th District

Higher Education, Chair; Appropriations Subcommittee on Education; Fiscal Policy; Judiciary; Military and Veterans Affairs, Space, and Domestic Security; Regulated Industries; *Joint Committee on Public Counsel Oversight*

**Geraldine F. “Geri” Thompson**, 12th District

Commerce and Tourism, Vice Chair; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Community Affairs; Ethics and Elections; Transportation; *Joint Administrative Procedures Committee*



**CONSTITUTION**  
**OF THE**  
**STATE OF FLORIDA**

AS REVISED IN 1968 AND SUBSEQUENTLY AMENDED

-

*The Constitution of the State of Florida as revised in 1968 consisted of certain revised articles as proposed by three joint resolutions which were adopted during the special session of June 24-July 3, 1968, and ratified by the electorate on November 5, 1968, together with one article carried forward from the Constitution of 1885, as amended. The articles proposed in House Joint Resolution 1-2X constituted the entire revised constitution with the exception of Articles V, VI, and VIII. Senate Joint Resolution 4-2X proposed Article VI, relating to suffrage and elections. Senate Joint Resolution 5-2X proposed a new Article VIII, relating to local government. Article V, relating to the judiciary, was carried forward from the Constitution of 1885, as amended.*

Sections composing the 1968 revision have no history notes. Subsequent changes are indicated by notes appended to the affected sections. The indexes appearing at the beginning of each article, notes appearing at the end of various sections, and section and subsection headings are added editorially and are not to be considered as part of the constitution.

## PREAMBLE

We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.

## ARTICLE I

## DECLARATION OF RIGHTS

## Sec.

1. Political power.
2. Basic rights.
3. Religious freedom.
4. Freedom of speech and press.
5. Right to assemble.
6. Right to work.
7. Military power.
8. Right to bear arms.
9. Due process.
10. Prohibited laws.
11. Imprisonment for debt.
12. Searches and seizures.
13. Habeas corpus.
14. Pretrial release and detention.
15. Prosecution for crime; offenses committed by children.
16. Rights of accused and of victims.
17. Excessive punishments.
18. Administrative penalties.
19. Costs.
20. Treason.
21. Access to courts.
22. Trial by jury.
23. Right of privacy.
24. Access to public records and meetings.
25. Taxpayers' Bill of Rights.
26. Claimant's right to fair compensation.
27. Marriage defined.

**SECTION 1. Political power.**—All political power is inherent in the people. The enunciation herein of certain rights shall not be construed to deny or impair others retained by the people.

**SECTION 2. Basic rights.**—All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by

law. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

**History.**—Am. S.J.R. 917, 1974; adopted 1974; Am. proposed by Constitution Revision Commission, Revision No. 9, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 3. Religious freedom.**—

There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

**SECTION 4. Freedom of speech and press.**—

Every person may speak, write and publish sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for defamation the truth may be given in evidence. If the matter charged as defamatory is true and was published with good motives, the party shall be acquitted or exonerated.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 5. Right to assemble.**—The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances.

**SECTION 6. Right to work.**—The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization. The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged. Public employees shall not have the right to strike.

**SECTION 7. Military power.**—The military power shall be subordinate to the civil.

**SECTION 8. Right to bear arms.—**

(a) The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.

(b) There shall be a mandatory period of three days, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. For the purposes of this section, "purchase" means the transfer of money or other valuable consideration to the retailer, and "handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver. Holders of a concealed weapon permit as prescribed in Florida law shall not be subject to the provisions of this paragraph.

(c) The legislature shall enact legislation implementing subsection (b) of this section, effective no later than December 31, 1991, which shall provide that anyone violating the provisions of subsection (b) shall be guilty of a felony.

(d) This restriction shall not apply to a trade in another handgun.

**History.**—Am. C.S. for S.J.R. 43, 1989; adopted 1990.

**SECTION 9. Due process.**—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 10. Prohibited laws.**—No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

**SECTION 11. Imprisonment for debt.** No person shall be imprisoned for debt, except in cases of fraud.

**SECTION 12. Searches and seizures.** The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. This right shall be construed in conformity with the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court. Articles or information obtained in violation of this right

shall not be admissible in evidence if such articles or information would be inadmissible under decisions of the United States Supreme Court construing the 4th Amendment to the United States Constitution.

**History.**—Am. H.J.R. 31-H, 1982; adopted 1982.

**SECTION 13. Habeas corpus.**—The writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable without delay, and shall never be suspended unless, in case of rebellion or invasion, suspension is essential to the public safety.

**SECTION 14. Pretrial release and detention.**—Unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained.

**History.**—Am. H.J.R. 43-H, 1982; adopted 1982.

**SECTION 15. Prosecution for crime; offenses committed by children.**—

(a) No person shall be tried for capital crime without presentment or indictment by a grand jury, or for other felony without such presentment or indictment or an information under oath filed by the prosecuting officer of the court, except persons on active duty in the militia when tried by courts martial.

(b) When authorized by law, a child as therein defined may be charged with a violation of law as an act of delinquency instead of crime and tried without a jury or other requirements applicable to criminal cases. Any child so charged shall, upon demand made as provided by law before a trial in a juvenile proceeding, be tried in an appropriate court as an adult. A child found delinquent shall be disciplined as provided by law.

**SECTION 16. Rights of accused and of victims.**—

(a) In all criminal prosecutions the accused shall, upon demand, be informed of the nature and cause of the accusation, and shall be furnished a copy of the charges, and shall have the right to have compulsory process for witnesses, to confront at trial adverse witnesses, to be heard in person, by counsel or both, and to have a speedy and public trial by impartial jury in the county where the crime was committed. If the county is not known, the indictment or information may charge venue in two or more counties

conjunctively and proof that the crime was committed in that area shall be sufficient; but before pleading the accused may elect in which of those counties the trial will take place. Venue for prosecution of crimes committed beyond the boundaries of the state shall be fixed by law.

(b) Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

**History.**—Am. S.J.R. 135, 1987; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 17. Excessive punishments.** Excessive fines, cruel and unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. The death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.

**History.**—Am. H.J.R. 3505, 1998; adopted 1998; Am. H.J.R. 951, 2001; adopted 2002.

**SECTION 18. Administrative penalties.** No administrative agency, except the Department of Military Affairs in an appropriately convened court-martial action as provided by law, shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 19. Costs.**—No person charged with crime shall be compelled to pay costs before a judgment of conviction has become final.

**SECTION 20. Treason.**—Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort, and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act or on confession in open court.

**SECTION 21. Access to courts.**—The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

**SECTION 22. Trial by jury.**—The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not fewer than six, shall be fixed by law.

**SECTION 23. Right of privacy.**—Every natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law.

**History.**—Added, C.S. for H.J.R. 387, 1980; adopted 1980; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 24. Access to public records and meetings.**—

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

(b) All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

(c) This section shall be self-executing. The legislature, however, may provide by general law passed by a two-thirds vote of each house for the exemption of records from the requirements of subsection (a) and the exemption of meetings from the requirements of subsection (b), provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The legislature shall enact laws governing the enforcement of this section, including the maintenance, control, destruction, disposal, and disposition of records made public by this section, except that each house of the legislature may adopt rules governing the enforcement of this section in relation to records of the legislative branch. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsections (a) or (b) and provisions governing the enforcement of this section, and shall relate to one subject.

(d) All laws that are in effect on July 1, 1993 that limit public access to records or meetings shall remain in force, and such laws apply to records of the legislative and judicial branches, until they are repealed. Rules of court that are in effect on the date of adoption of this section that limit access to records shall remain in effect until they are repealed.

**History.**—Added, C.S. for C.S. for H.J.R.'s 1727, 863, 2035, 1992; adopted 1992; Am. S.J.R. 1284, 2002; adopted 2002.

### **SECTION 25. Taxpayers' Bill of Rights.**

By general law the legislature shall prescribe and adopt a Taxpayers' Bill of Rights that, in clear and concise language, sets forth taxpayers' rights and responsibilities and government's responsibilities to deal fairly with taxpayers under the laws of this state. This section shall be effective July 1, 1993.

**History.**—Proposed by Taxation and Budget Reform Commission, Revision No. 2, 1992, filed with the Secretary of State May 7, 1992; adopted 1992.

**Note.**—This section, originally designated section 24 by Revision No. 2 of the Taxation and Budget Reform Commission, 1992, was redesignated section 25 by the editors in order to avoid confusion with section 24 as contained in H.J.R.'s 1727, 863, 2035, 1992.

### **SECTION 26. Claimant's right to fair compensation.—**

(a) Article I, Section 26 is created to read "Claimant's right to fair compensation." In any medical liability claim involving a contingency fee, the claimant is entitled to receive no less than 70% of the first \$250,000.00 in all damages received by the claimant, exclusive of reasonable and customary costs, whether received by judgment, settlement, or otherwise, and regardless of the number of defendants. The claimant is entitled to 90% of all damages in excess of \$250,000.00, exclusive of reasonable and customary costs and

regardless of the number of defendants. This provision is self-executing and does not require implementing legislation.

(b) This Amendment shall take effect on the day following approval by the voters.

**History.**—Proposed by Initiative Petition filed with the Secretary of State September 8, 2003; adopted 2004.

**SECTION 27. Marriage defined.**—Inasmuch as marriage is the legal union of only one man and one woman as husband and wife, no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized.

**History.**—Proposed by Initiative Petition filed with the Secretary of State February 9, 2005; adopted 2008.

## **ARTICLE II**

### **GENERAL PROVISIONS**

Sec.

1. State boundaries.
2. Seat of government.
3. Branches of government.
4. State seal and flag.
5. Public officers.
6. Enemy attack.
7. Natural resources and scenic beauty.
8. Ethics in government.
9. English is the official language of Florida.

### **SECTION 1. State boundaries.—**

(a) The state boundaries are: Begin at the mouth of the Perdido River, which for the purposes of this description is defined as the point where latitude 30°16'53" north and longitude 87°31'06" west intersect; thence to the point where latitude 30°17'02" north and longitude 87°31'06" west intersect; thence to the point where latitude 30°18'00" north and longitude 87°27'08" west intersect; thence to the point where the center line of the Intracoastal Canal (as the same existed on June 12, 1953) and longitude 87°27'00" west intersect; the same being in the middle of the Perdido River; thence up the middle of the Perdido River to the point where it intersects the south boundary of the State of Alabama, being also the point of intersection of the middle of the Perdido River with latitude 31°00'00" north; thence east, along the south boundary line of the State of Alabama, the same being latitude 31°00'00" north to the middle of the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence in a straight line to the head of the St. Marys River; thence down the middle of said river to the Atlantic Ocean; thence due east to the edge of the Gulf Stream or a distance of three geographic

miles whichever is the greater distance; thence in a southerly direction along the edge of the Gulf Stream or along a line three geographic miles from the Atlantic coastline and three leagues distant from the Gulf of Mexico coastline, whichever is greater, to and through the Straits of Florida and westerly, including the Florida reefs, to a point due south of and three leagues from the southernmost point of the Marquesas Keys; thence westerly along a straight line to a point due south of and three leagues from Loggerhead Key, the westernmost of the Dry Tortugas Islands; thence westerly, northerly and easterly along the arc of a curve three leagues distant from Loggerhead Key to a point due north of Loggerhead Key; thence northeast along a straight line to a point three leagues from the coastline of Florida; thence northerly and westerly three leagues distant from the coastline to a point west of the mouth of the Perdido River three leagues from the coastline as measured on a line bearing south 0°01'00" west from the point of beginning; thence northerly along said line to the point of beginning. The State of Florida shall also include any additional territory within the United States adjacent to the Peninsula of Florida lying south of the St. Marys River, east of the Perdido River, and south of the States of Alabama and Georgia.

(b) The coastal boundaries may be extended by statute to the limits permitted by the laws of the United States or international law.

**SECTION 2. Seat of government.**—The seat of government shall be the City of Tallahassee, in Leon County, where the offices of the governor, lieutenant governor, cabinet members and the supreme court shall be maintained and the sessions of the legislature shall be held; provided that, in time of invasion or grave emergency, the governor by proclamation may for the period of the emergency transfer the seat of government to another place.

**SECTION 3. Branches of government.** The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.

**SECTION 4. State seal and flag.**—The design of the great seal and flag of the state shall be prescribed by law.

**SECTION 5. Public officers.**—

(a) No person holding any office of emolument under any foreign government, or civil

office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers.

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

“I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of (title of office) on which I am now about to enter. So help me God.”,

and thereafter shall devote personal attention to the duties of the office, and continue in office until a successor qualifies.

(c) The powers, duties, compensation and method of payment of state and county officers shall be fixed by law.

**History.**—Am. H.J.R. 1616, 1988; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 6. Enemy attack.**—In periods of emergency resulting from enemy attack the legislature shall have power to provide for prompt and temporary succession to the powers and duties of all public offices the incumbents of which may become unavailable to execute the functions of their offices, and to adopt such other measures as may be necessary and appropriate to insure the continuity of governmental operations during the emergency. In exercising these powers, the legislature may depart from other requirements of this constitution, but only to the extent necessary to meet the emergency.

**SECTION 7. Natural resources and scenic beauty.**—

(a) It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise and for the conservation and protection of natural resources.

(b) Those in the Everglades Agricultural Area who cause water pollution within the Everglades Protection Area or the Everglades

Agricultural Area shall be primarily responsible for paying the costs of the abatement of that pollution. For the purposes of this subsection, the terms "Everglades Protection Area" and "Everglades Agricultural Area" shall have the meanings as defined in statutes in effect on January 1, 1996.

**History.**—Am. by Initiative Petition filed with the Secretary of State March 26, 1996; adopted 1996; Am. proposed by Constitution Revision Commission, Revision No. 5, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 8. Ethics in government.**—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

(a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.

(b) All elected public officers and candidates for such offices shall file full and public disclosure of their campaign finances.

(c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law.

(d) Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan in such manner as may be provided by law.

(e) No member of the legislature or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of two years following vacation of office. No member of the legislature shall personally represent another person or entity for compensation during term of office before any state agency other than judicial tribunals. Similar restrictions on other public officers and employees may be established by law.

(f) There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the judicial qualifications commission.

(g) A code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

(h) This section shall not be construed to limit disclosures and prohibitions which may be established by law to preserve the public trust and avoid conflicts between public duties and private interests.

(i) Schedule—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the custodian of state records by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:

a. A copy of the person's most recent federal income tax return; or

b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

(2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to subsection (i)(1).

(3) The independent commission provided for in subsection (f) shall mean the Florida Commission on Ethics.

**History.**—Proposed by Initiative Petition filed with the Secretary of State July 29, 1976; adopted 1976; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 9. English is the official language of Florida.**—

(a) English is the official language of the State of Florida.

(b) The legislature shall have the power to enforce this section by appropriate legislation.

**History.**—Proposed by Initiative Petition filed with the Secretary of State August 8, 1988; adopted 1988.

## ARTICLE III

### LEGISLATURE

Sec.

1. Composition.
2. Members; officers.
3. Sessions of the legislature.
4. Quorum and procedure.
5. Investigations; witnesses.
6. Laws.
7. Passage of bills.
8. Executive approval and veto.
9. Effective date of laws.
10. Special laws.
11. Prohibited special laws.
12. Appropriation bills.
13. Term of office.
14. Civil service system.
15. Terms and qualifications of legislators.
16. Legislative apportionment.
17. Impeachment.

Sec.

18. Conflict of Interest.
19. State Budgeting, Planning and Appropriations Processes.
20. Standards for establishing congressional district boundaries.
21. Standards for establishing legislative district boundaries.

**SECTION 1. Composition.**—The legislative power of the state shall be vested in a legislature of the State of Florida, consisting of a senate composed of one senator elected from each senatorial district and a house of representatives composed of one member elected from each representative district.

**SECTION 2. Members; officers.**—Each house shall be the sole judge of the qualifications, elections, and returns of its members, and shall biennially choose its officers, including a permanent presiding officer selected from its membership, who shall be designated in the senate as President of the Senate, and in the house as Speaker of the House of Representatives. The senate shall designate a Secretary to serve at its pleasure, and the house of representatives shall designate a Clerk to serve at its pleasure. The legislature shall appoint an auditor to serve at its pleasure who shall audit public records and perform related duties as prescribed by law or concurrent resolution.

**SECTION 3. Sessions of the legislature.**—

(a) ORGANIZATION SESSIONS. On the fourteenth day following each general election the legislature shall convene for the exclusive purpose of organization and selection of officers.

(b) REGULAR SESSIONS. A regular session of the legislature shall convene on the first Tuesday after the first Monday in March of each odd-numbered year, and on the first Tuesday after the first Monday in March, or such other date as may be fixed by law, of each even-numbered year.

(c) SPECIAL SESSIONS.

(1) The governor, by proclamation stating the purpose, may convene the legislature in special session during which only such legislative business may be transacted as is within the purview of the proclamation, or of a communication from the governor, or is introduced by consent of two-thirds of the membership of each house.

(2) A special session of the legislature may be convened as provided by law.

(d) LENGTH OF SESSIONS. A regular session of the legislature shall not exceed

sixty consecutive days, and a special session shall not exceed twenty consecutive days, unless extended beyond such limit by a three-fifths vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership.

(e) ADJOURNMENT. Neither house shall adjourn for more than seventy-two consecutive hours except pursuant to concurrent resolution.

(f) ADJOURNMENT BY GOVERNOR. If, during any regular or special session, the two houses cannot agree upon a time for adjournment, the governor may adjourn the session sine die or to any date within the period authorized for such session; provided that, at least twenty-four hours before adjourning the session, and while neither house is in recess, each house shall be given formal written notice of the governor's intention to do so, and agreement reached within that period by both houses on a time for adjournment shall prevail.

**History.**—Am. C.S. for S.J.R. 380, 1989; adopted 1990; Am. S.J.R. 2606, 1994; adopted 1994; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 4. Quorum and procedure.**

(a) A majority of the membership of each house shall constitute a quorum, but a smaller number may adjourn from day to day and compel the presence of absent members in such manner and under such penalties as it may prescribe. Each house shall determine its rules of procedure.

(b) Sessions of each house shall be public; except sessions of the senate when considering appointment to or removal from public office may be closed.

(c) Each house shall keep and publish a journal of its proceedings; and upon the request of five members present, the vote of each member voting on any question shall be entered on the journal. In any legislative committee or subcommittee, the vote of each member voting on the final passage of any legislation pending before the committee, and upon the request of any two members of the committee or subcommittee, the vote of each member on any other question, shall be recorded.

(d) Each house may punish a member for contempt or disorderly conduct and, by a two-thirds vote of its membership, may expel a member.

(e) The rules of procedure of each house shall provide that all legislative committee and subcommittee meetings of each house, and joint conference committee meetings, shall be open and noticed to the public. The rules of procedure of each house shall further provide that 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. All open meetings shall be subject to order and decorum. This section shall be implemented and defined by the rules of each house, and such rules shall control admission to the floor of each legislative chamber and may, where reasonably necessary for security purposes or to protect a witness appearing before a committee, provide for the closure of committee meetings. Each house shall be the sole judge for the interpretation, implementation, and enforcement of this section.

**History.**—Am. S.J.R.'s 1990, 2, 1990; adopted 1990.

### **SECTION 5. Investigations; witnesses.**

Each house, when in session, may compel attendance of witnesses and production of documents and other evidence upon any matter under investigation before it or any of its committees, and may punish by fine not exceeding one thousand dollars or imprisonment not exceeding ninety days, or both, any person not a member who has been guilty of disorderly or contemptuous conduct in its presence or has refused to obey its lawful summons or to answer lawful questions. Such powers, except the power to punish, may be conferred by law upon committees when the legislature is not in session. Punishment of contempt of an interim legislative committee shall be by judicial proceedings as prescribed by law.

**SECTION 6. Laws.**—Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No law shall be revised or amended by reference to its title only. Laws to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a subsection. The enacting clause of every law shall read: "Be It Enacted by the Legislature of the State of Florida:".

**SECTION 7. Passage of bills.**—Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote; provided the publication of its title in the journal of a house shall satisfy the requirement for the first reading in that house. On each reading, it shall be read by title only, unless one-third of the members

present desire it read in full. On final passage, the vote of each member voting shall be entered on the journal. Passage of a bill shall require a majority vote in each house. Each bill and joint resolution passed in both houses shall be signed by the presiding officers of the respective houses and by the secretary of the senate and the clerk of the house of representatives during the session or as soon as practicable after its adjournment sine die.

**History.**—Am. S.J.R. 1349, 1980; adopted 1980.

### **SECTION 8. Executive approval and veto.**—

(a) Every bill passed by the legislature shall be presented to the governor for approval and shall become a law if the governor approves and signs it, or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, the governor shall have fifteen consecutive days from the date of presentation to act on the bill. In all cases except general appropriation bills, the veto shall extend to the entire bill. The governor may veto any specific appropriation in a general appropriation bill, but may not veto any qualification or restriction without also vetoing the appropriation to which it relates.

(b) When a bill or any specific appropriation of a general appropriation bill has been vetoed, the governor shall transmit signed objections thereto to the house in which the bill originated if in session. If that house is not in session, the governor shall file them with the custodian of state records, who shall lay them before that house at its next regular or special session, whichever occurs first, and they shall be entered on its journal. If the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session.

(c) If each house shall, by a two-thirds vote, re-enact the bill or reinstate the vetoed specific appropriation of a general appropriation bill, the vote of each member voting shall be entered on the respective journals, and the bill shall become law or the specific appropriation reinstated, the veto notwithstanding.

**History.**—Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 9. Effective date of laws.—**

Each law shall take effect on the sixtieth day after adjournment sine die of the session of the legislature in which enacted or as otherwise provided therein. If the law is passed over the veto of the governor it shall take effect on the sixtieth day after adjournment sine die of the session in which the veto is overridden, on a later date fixed in the law, or on a date fixed by resolution passed by both houses of the legislature.

**SECTION 10. Special laws.—**

No special law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by general law. Such notice shall not be necessary when the law, except the provision for referendum, is conditioned to become effective only upon approval by vote of the electors of the area affected.

**SECTION 11. Prohibited special laws.**

(a) There shall be no special law or general law of local application pertaining to:

- (1) election, jurisdiction or duties of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies;
- (2) assessment or collection of taxes for state or county purposes, including extension of time therefor, relief of tax officers from due performance of their duties, and relief of their sureties from liability;
- (3) rules of evidence in any court;
- (4) punishment for crime;
- (5) petit juries, including compensation of jurors, except establishment of jury commissions;
- (6) change of civil or criminal venue;
- (7) conditions precedent to bringing any civil or criminal proceedings, or limitations of time therefor;
- (8) refund of money legally paid or remission of fines, penalties or forfeitures;
- (9) creation, enforcement, extension or impairment of liens based on private contracts, or fixing of interest rates on private contracts;
- (10) disposal of public property, including any interest therein, for private purposes;
- (11) vacation of roads;
- (12) private incorporation or grant of privilege to a private corporation;
- (13) effectuation of invalid deeds, wills or other instruments, or change in the law of descent;
- (14) change of name of any person;
- (15) divorce;
- (16) legitimation or adoption of persons;
- (17) relief of minors from legal disabilities;

(18) transfer of any property interest of persons under legal disabilities or of estates of decedents;

(19) hunting or fresh water fishing;

(20) regulation of occupations which are regulated by a state agency; or

<sup>1</sup>(21) any subject when prohibited by general law passed by a three-fifths vote of the membership of each house. Such law may be amended or repealed by like vote.

(b) In the enactment of general laws on other subjects, political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.

<sup>1</sup>**Note.**—See the following for prohibited subject matters added under the authority of this paragraph:

- s. 112.67, F.S. (Pertaining to protection of public employee retirement benefits).
- s. 121.191, F.S. (Pertaining to state-administered or supported retirement systems).
- s. 145.16, F.S. (Pertaining to compensation of designated county officials).
- s. 189.031(2), F.S. (Pertaining to independent special districts).
- s. 190.049, F.S. (Pertaining to the creation of independent special districts having the powers enumerated in two or more of the paragraphs of s. 190.012, F.S.).
- s. 215.845, F.S. (Pertaining to the maximum rate of interest on bonds).
- s. 298.76(1), F.S. (Pertaining to the grant of authority, power, rights, or privileges to a water control district formed pursuant to ch. 298, F.S.).
- s. 373.503(2)(b), F.S. (Pertaining to allocation of millage for water management purposes).
- s. 1011.77, F.S. (Pertaining to taxation for school purposes and the Florida Education Finance Program).
- s. 1013.37(5), F.S. (Pertaining to the "State Uniform Building Code for Public Educational Facilities Construction").

**SECTION 12. Appropriation bills.—**

Laws making appropriations for salaries of public officers and other current expenses of the state shall contain provisions on no other subject.

**SECTION 13. Term of office.—**

No office shall be created the term of which shall exceed four years except as provided herein.

**SECTION 14. Civil service system.—**

By law there shall be created a civil service system for state employees, except those expressly exempted, and there may be created civil service systems and boards for county, district or municipal employees and for such offices thereof as are not elected or appointed by the governor, and there may be authorized such boards as are necessary to prescribe the qualifications, method of selection and tenure of such employees and officers.

**SECTION 15. Terms and qualifications of legislators.—**

(a) SENATORS. Senators shall be elected for terms of four years, those from odd-numbered districts in the years the numbers of which are multiples of four and those

from even-numbered districts in even-numbered years the numbers of which are not multiples of four; except, at the election next following a reapportionment, some senators shall be elected for terms of two years when necessary to maintain staggered terms.

(b) REPRESENTATIVES. Members of the house of representatives shall be elected for terms of two years in each even-numbered year.

(c) QUALIFICATIONS. Each legislator shall be at least twenty-one years of age, an elector and resident of the district from which elected and shall have resided in the state for a period of two years prior to election.

(d) ASSUMING OFFICE; VACANCIES. Members of the legislature shall take office upon election. Vacancies in legislative office shall be filled only by election as provided by law.

#### **SECTION 16. Legislative apportionment.—**

(a) SENATORIAL AND REPRESENTATIVE DISTRICTS. The legislature at its regular session in the second year following each decennial census, by joint resolution, shall apportion the state in accordance with the constitution of the state and of the United States into not less than thirty nor more than forty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts of either contiguous, overlapping or identical territory. Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be the mandatory duty of the legislature to adopt a joint resolution of apportionment.

(b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL REAPPORTIONMENT. In the event a special apportionment session of the legislature finally adjourns without adopting a joint resolution of apportionment, the attorney general shall, within five days, petition the supreme court of the state to make such apportionment. No later than the sixtieth day after the filing of such petition, the supreme court shall file with the custodian of state records an order making such apportionment.

(c) JUDICIAL REVIEW OF APPORTIONMENT. Within fifteen days after the passage of the joint resolution of apportionment, the attorney general shall petition the supreme court of the state for a declaratory judgment

determining the validity of the apportionment. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within thirty days from the filing of the petition, shall enter its judgment.

(d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY APPORTIONMENT SESSION. A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by the legislature is invalid, the governor by proclamation shall reconvene the legislature within five days thereafter in extraordinary apportionment session which shall not exceed fifteen days, during which the legislature shall adopt a joint resolution of apportionment conforming to the judgment of the supreme court.

(e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF APPORTIONMENT. Within fifteen days after the adjournment of an extraordinary apportionment session, the attorney general shall file a petition in the supreme court of the state setting forth the apportionment resolution adopted by the legislature, or if none has been adopted reporting that fact to the court. Consideration of the validity of a joint resolution of apportionment shall be had as provided for in cases of such joint resolution adopted at a regular or special apportionment session.

(f) JUDICIAL REAPPORTIONMENT. Should an extraordinary apportionment session fail to adopt a resolution of apportionment or should the supreme court determine that the apportionment made is invalid, the court shall, not later than sixty days after receiving the petition of the attorney general, file with the custodian of state records an order making such apportionment.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

#### **SECTION 17. Impeachment.—**

(a) The governor, lieutenant governor, members of the cabinet, justices of the supreme court, judges of district courts of appeal, judges of circuit courts, and judges of county courts shall be liable to impeachment for misdemeanor in office. The house of representatives by two-thirds vote shall have the power to impeach an officer. The speaker of the house of representatives shall have power at any time to appoint a committee to investigate charges against any officer subject to impeachment.

(b) An officer impeached by the house of representatives shall be disqualified from performing any official duties until acquitted

by the senate, and, unless impeached, the governor may by appointment fill the office until completion of the trial.

(c) All impeachments by the house of representatives shall be tried by the senate. The chief justice of the supreme court, or another justice designated by the chief justice, shall preside at the trial, except in a trial of the chief justice, in which case the governor shall preside. The senate shall determine the time for the trial of any impeachment and may sit for the trial whether the house of representatives be in session or not. The time fixed for trial shall not be more than six months after the impeachment. During an impeachment trial senators shall be upon their oath or affirmation. No officer shall be convicted without the concurrence of two-thirds of the members of the senate present. Judgment of conviction in cases of impeachment shall remove the offender from office and, in the discretion of the senate, may include disqualification to hold any office of honor, trust or profit. Conviction or acquittal shall not affect the civil or criminal responsibility of the officer.

**History.**—Am. S.J.R. 459, 1987; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**1SECTION 18. Conflict of Interest.**—A code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**1Note.**—This section was repealed effective January 5, 1999, by Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998. See s. 5(e), Art. XI, State Constitution, for constitutional effective date. Identical language to s. 18, Art. III, State Constitution, was enacted in s. 8(g), Art. II, State Constitution, by Revision No. 13, 1998.

**SECTION 19. State Budgeting, Planning and Appropriations Processes.**—

(a) ANNUAL BUDGETING.

(1) General law shall prescribe the adoption of annual state budgetary and planning processes and require that detail reflecting the annualized costs of the state budget and reflecting the nonrecurring costs of the budget requests shall accompany state department and agency legislative budget requests, the governor's recommended budget, and appropriation bills.

(2) Unless approved by a three-fifths vote of the membership of each house, appropriations made for recurring purposes from non-recurring general revenue funds for any fiscal year shall not exceed three percent of the total general revenue funds estimated to be available at the time such appropriation is made.

(3) As prescribed by general law, each state department and agency shall be required to submit a legislative budget request that is based upon and that reflects the long-range financial outlook adopted by the joint legislative budget commission or that specifically explains any variance from the long-range financial outlook contained in the request.

(4) For purposes of this section, the terms department and agency shall include the judicial branch.

(b) APPROPRIATION BILLS FORMAT. Separate sections within the general appropriation bill shall be used for each major program area of the state budget; major program areas shall include: education enhancement "lottery" trust fund items; education (all other funds); human services; criminal justice and corrections; natural resources, environment, growth management, and transportation; general government; and judicial branch. Each major program area shall include an itemization of expenditures for: state operations; state capital outlay; aid to local governments and nonprofit organizations operations; aid to local governments and nonprofit organizations capital outlay; federal funds and the associated state matching funds; spending authorizations for operations; and spending authorizations for capital outlay. Additionally, appropriation bills passed by the legislature shall include an itemization of specific appropriations that exceed one million dollars (\$1,000,000.00) in 1992 dollars. For purposes of this subsection, "specific appropriation," "itemization," and "major program area" shall be defined by law. This itemization threshold shall be adjusted by general law every four years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics or its successor. Substantive bills containing appropriations shall also be subject to the itemization requirement mandated under this provision and shall be subject to the governor's specific appropriation veto power described in Article III, Section 8.

(c) APPROPRIATIONS PROCESS.

(1) No later than September 15 of each year, the joint legislative budget commission shall issue a long-range financial outlook setting out recommended fiscal strategies for the state and its departments and agencies in order to assist the legislature in making budget decisions. The long-range financial outlook must include major workload and revenue estimates. In order to implement

this paragraph, the joint legislative budget commission shall use current official consensus estimates and may request the development of additional official estimates.

(2) The joint legislative budget commission shall seek input from the public and from the executive and judicial branches when developing and recommending the long-range financial outlook.

(3) The legislature shall prescribe by general law conditions under which limited adjustments to the budget, as recommended by the governor or the chief justice of the supreme court, may be approved without the concurrence of the full legislature.

(d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. All general appropriation bills shall be furnished to each member of the legislature, each member of the cabinet, the governor, and the chief justice of the supreme court at least seventy-two hours before final passage by either house of the legislature of the bill in the form that will be presented to the governor.

(e) FINAL BUDGET REPORT. A final budget report shall be prepared as prescribed by general law. The final budget report shall be produced no later than the 120th day after the beginning of the fiscal year, and copies of the report shall be furnished to each member of the legislature, the head of each department and agency of the state, the auditor general, and the chief justice of the supreme court.

(f) TRUST FUNDS.

(1) No trust fund of the State of Florida or other public body may be created or recreated by law without a three-fifths vote of the membership of each house of the legislature in a separate bill for that purpose only.

(2) State trust funds shall terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.

(3) Trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions, whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the state transportation trust fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida retirement trust fund; trust funds for institutions under the management of the Board of Governors, where such trust funds are for auxiliary enterprises and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing

funds or accounts for the chief financial officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by this Constitution, are not subject to the requirements set forth in paragraph (2) of this subsection.

(4) All cash balances and income of any trust funds abolished under this subsection shall be deposited into the general revenue fund.

(g) BUDGET STABILIZATION FUND. Subject to the provisions of this subsection, an amount equal to at least 5% of the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in the budget stabilization fund. The budget stabilization fund's principal balance shall not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund. The legislature shall provide criteria for withdrawing funds from the budget stabilization fund in a separate bill for that purpose only and only for the purpose of covering revenue shortfalls of the general revenue fund or for the purpose of providing funding for an emergency, as defined by general law. General law shall provide for the restoration of this fund. The budget stabilization fund shall be comprised of funds not otherwise obligated or committed for any purpose.

(h) LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY PLANNING DOCUMENT PROCESSES. General law shall provide for a long-range state planning document. The governor shall recommend to the legislature biennially any revisions to the long-range state planning document, as defined by law. General law shall require a biennial review and revision of the long-range state planning document and shall require all departments and agencies of state government to develop planning documents that identify statewide strategic goals and objectives, consistent with the long-range state planning document. The long-range state planning document and department and agency planning documents shall remain subject to review and revision by the legislature. The long-range state planning document must include projections of future needs and resources of the state which are consistent with the long-range financial outlook. The department and agency planning documents shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law.

(i) **GOVERNMENT EFFICIENCY TASK FORCE.** No later than January of 2007, and each fourth year thereafter, the president of the senate, the speaker of the house of representatives, and the governor shall appoint a government efficiency task force, the membership of which shall be established by general law. The task force shall be composed of members of the legislature and representatives from the private and public sectors who shall develop recommendations for improving governmental operations and reducing costs. Staff to assist the task force in performing its duties shall be assigned by general law, and the task force may obtain assistance from the private sector. The task force shall complete its work within one year and shall submit its recommendations to the joint legislative budget commission, the governor, and the chief justice of the supreme court.

(j) **JOINT LEGISLATIVE BUDGET COMMISSION.** There is created within the legislature the joint legislative budget commission composed of equal numbers of senate members appointed by the president of the senate and house members appointed by the speaker of the house of representatives. Each member shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment. From November of each odd-numbered year through October of each even-numbered year, the chairperson of the joint legislative budget commission shall be appointed by the president of the senate and the vice chairperson of the commission shall be appointed by the speaker of the house of representatives. From November of each even-numbered year through October of each odd-numbered year, the chairperson of the joint legislative budget commission shall be appointed by the speaker of the house of representatives and the vice chairperson of the commission shall be appointed by the president of the senate. The joint legislative budget commission shall be governed by the joint rules of the senate and the house of representatives, which shall remain in effect until repealed or amended by concurrent resolution. The commission shall convene at least quarterly and shall convene at the call of the president of the senate and the speaker of the house of representatives. A majority of the commission members of each house plus one additional member from either house constitutes a quorum. Action by the commission requires a majority vote of the commission members present of each house. The commission may conduct its meetings through teleconferences or similar means. In addition

to the powers and duties specified in this subsection, the joint legislative budget commission shall exercise all other powers and perform any other duties not in conflict with paragraph (c)(3) and as prescribed by general law or joint rule.

**History.**—Proposed by Taxation and Budget Reform Commission, Revision No. 1, 1992, filed with the Secretary of State May 7, 1992; adopted 1992; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998; Am. C.S. for S.J.R. 2144, 2005; adopted 2006.

**SECTION 20. Standards for establishing congressional district boundaries.**—In establishing congressional district boundaries:

(a) No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.

(b) Unless compliance with the standards in this subsection conflicts with the standards in subsection <sup>1</sup>(a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.

(c) The order in which the standards within subsections <sup>1</sup>(a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

**History.**—Proposed by Initiative Petition filed with the Secretary of State September 28, 2007; adopted 2010.

<sup>1</sup>**Note.**—The subsections of section 20, as it appeared in Amendment No. 6, proposed by Initiative Petition filed with the Secretary of State September 28, 2007, and adopted in 2010, were designated (1)-(3); the editors redesignated them as (a)-(c) to conform to the format of the State Constitution.

**SECTION 21. Standards for establishing legislative district boundaries.**—In establishing legislative district boundaries:

(a) No apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.

(b) Unless compliance with the standards in this subsection conflicts with the standards in subsection <sup>1</sup>(a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.

(c) The order in which the standards within subsections <sup>1</sup>(a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

**History.**—Proposed by Initiative Petition filed with the Secretary of State September 28, 2007; adopted 2010.

**Note.**—The subsections of section 21, as it appeared in Amendment No. 5, proposed by Initiative Petition filed with the Secretary of State September 28, 2007, and adopted in 2010, were designated (1)-(3); the editors redesignated them as (a)-(c) to conform to the format of the State Constitution.

## ARTICLE IV

### EXECUTIVE

#### Sec.

1. Governor.
2. Lieutenant governor.
3. Succession to office of governor; acting governor.
4. Cabinet.
5. Election of governor, lieutenant governor and cabinet members; qualifications; terms.
6. Executive departments.
7. Suspensions; filling office during suspensions.
8. Clemency.
9. Fish and wildlife conservation commission.
10. Attorney General.
11. Department of Veterans Affairs.
12. Department of Elderly Affairs.
13. Revenue Shortfalls.

#### SECTION 1. Governor.—

(a) The supreme executive power shall be vested in a governor, who shall be commander-in-chief of all military forces of the state not in active service of the United States. The governor shall take care that the laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government. The governor may require information in writing from all executive or administrative state, county or municipal officers upon any subject relating to the duties of their respective offices. The governor shall be the chief administrative officer of the state responsible for the planning and budgeting for the state.

(b) The governor may initiate judicial proceedings in the name of the state against any executive or administrative state, county or municipal officer to enforce compliance with any duty or restrain any unauthorized act.

(c) The governor may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting

the governor's executive powers and duties. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion not earlier than ten days from the filing and docketing of the request, unless in their judgment the delay would cause public injury.

(d) The governor shall have power to call out the militia to preserve the public peace, execute the laws of the state, suppress insurrection, or repel invasion.

(e) The governor shall by message at least once in each regular session inform the legislature concerning the condition of the state, propose such reorganization of the executive department as will promote efficiency and economy, and recommend measures in the public interest.

(f) When not otherwise provided for in this constitution, the governor shall fill by appointment any vacancy in state or county office for the remainder of the term of an appointive office, and for the remainder of the term of an elective office if less than twenty-eight months, otherwise until the first Tuesday after the first Monday following the next general election.

**History.**—Am. proposed by Taxation and Budget Reform Commission, Revision No. 1, 1992, filed with the Secretary of State May 7, 1992; adopted 1992; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

#### SECTION 2. Lieutenant governor.—

There shall be a lieutenant governor, who shall perform such duties pertaining to the office of governor as shall be assigned by the governor, except when otherwise provided by law, and such other duties as may be prescribed by law.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

#### SECTION 3. Succession to office of governor; acting governor.—

(a) Upon vacancy in the office of governor, the lieutenant governor shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

(b) Upon impeachment of the governor and until completion of trial thereof, or during the governor's physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by three cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the

governor, the legislature or three cabinet members. Incapacity to serve as governor may also be established by certificate filed with the custodian of state records by the governor declaring incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

**History.**—Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

#### **SECTION 4. Cabinet.—**

(a) There shall be a cabinet composed of an attorney general, a chief financial officer, and a commissioner of agriculture. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.

(b) The attorney general shall be the chief state legal officer. There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by the attorney general from not less than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.

(c) The chief financial officer shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state, and shall keep all state funds and securities.

(d) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(e) The governor as chair, the chief financial officer, and the attorney general shall constitute the state board of administration, which shall succeed to all the power, control, and authority of the state board of administration established pursuant to Article IX, Section 16 of the Constitution of 1885, and which shall continue as a body at least for the life of Article XII, Section 9(c).

(f) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.

(g) The governor as chair, the chief financial officer, the attorney general, and the

commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement.

**History.**—Am. H.J.R. 435, 1983; adopted 1984; Am. H.J.R. 386, 1985; adopted 1986; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

#### **SECTION 5. Election of governor, lieutenant governor and cabinet members; qualifications; terms.—**

(a) At a state-wide general election in each calendar year the number of which is even but not a multiple of four, the electors shall choose a governor and a lieutenant governor and members of the cabinet each for a term of four years beginning on the first Tuesday after the first Monday in January of the succeeding year. In primary elections, candidates for the office of governor may choose to run without a lieutenant governor candidate. In the general election, all candidates for the offices of governor and lieutenant governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together.

(b) When elected, the governor, lieutenant governor and each cabinet member must be an elector not less than thirty years of age who has resided in the state for the preceding seven years. The attorney general must have been a member of the bar of Florida for the preceding five years. No person who has, or but for resignation would have, served as governor or acting governor for more than six years in two consecutive terms shall be elected governor for the succeeding term.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

#### **SECTION 6. Executive departments.**

All functions of the executive branch of state government shall be allotted among not more than twenty-five departments, exclusive of those specifically provided for or authorized in this constitution. The administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, the lieutenant governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor, except:

(a) When provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.

(b) Boards authorized to grant and revoke licenses to engage in regulated occupations

shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause.

**SECTION 7. Suspensions; filling office during suspensions.—**

(a) By executive order stating the grounds and filed with the custodian of state records, the governor may suspend from office any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony, and may fill the office by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the governor.

(b) The senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official and for such purpose the senate may be convened in special session by its president or by a majority of its membership.

(c) By order of the governor any elected municipal officer indicted for crime may be suspended from office until acquitted and the office filled by appointment for the period of suspension, not to extend beyond the term, unless these powers are vested elsewhere by law or the municipal charter.

**History.**—Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 8. Clemency.—**

(a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the custodian of state records, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of two members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

(b) In cases of treason the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

(c) There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under sentences for crime. The qualifications, method of selection and terms, not to exceed

six years, of members of the commission shall be prescribed by law.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 9. Fish and wildlife conservation commission.—**

There shall be a fish and wildlife conservation commission, composed of seven members appointed by the governor, subject to confirmation by the senate for staggered terms of five years. The commission shall exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the commission shall be prescribed by general law. The commission shall establish procedures to ensure adequate due process in the exercise of its regulatory and executive functions. The legislature may enact laws in aid of the commission, not inconsistent with this section, except that there shall be no special law or general law of local application pertaining to hunting or fishing. The commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing shall be as provided by law. Revenue derived from license fees for the taking of wild animal life and fresh water aquatic life shall be appropriated to the commission by the legislature for the purposes of management, protection, and conservation of wild animal life and fresh water aquatic life. Revenue derived from license fees relating to marine life shall be appropriated by the legislature for the purposes of management, protection, and conservation of marine life as provided by law. The commission shall not be a unit of any other state agency and shall have its own staff, which includes management, research, and enforcement. Unless provided by general law, the commission shall have no authority to regulate matters relating to air and water pollution.

**History.**—Am. C.S. for H.J.R. 637, 1973; adopted 1974; Am. proposed by Constitution Revision Commission, Revision No. 5, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 10. Attorney General.—**The attorney general shall, as directed by general law, request the opinion of the justices of the supreme court as to the validity of any initiative petition circulated pursuant to Section 3 of Article XI. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion

no later than April 1 of the year in which the initiative is to be submitted to the voters pursuant to Section 5 of Article XI.

**History.**—Added, H.J.R. 71, 1986; adopted 1986; Am. S.J.R. 2394, 2004; adopted 2004.

**SECTION 11. Department of Veterans Affairs.**—The legislature, by general law, may provide for the establishment of the Department of Veterans Affairs.

**History.**—Added, C.S. for H.J.R. 290, 1988; adopted 1988.

**SECTION 12. Department of Elderly Affairs.**—The legislature may create a Department of Elderly Affairs and prescribe its duties. The provisions governing the administration of the department must comply with Section 6 of Article IV of the State Constitution.

**History.**—Added, C.S. for H.J.R. 290, 1988; adopted 1988.

**SECTION 13. Revenue Shortfalls.**—In the event of revenue shortfalls, as defined by general law, the governor and cabinet may establish all necessary reductions in the state budget in order to comply with the provisions of Article VII, Section 1(d). The governor and cabinet shall implement all necessary reductions for the executive budget, the chief justice of the supreme court shall implement all necessary reductions for the judicial budget, and the speaker of the house of representatives and the president of the senate shall implement all necessary reductions for the legislative budget. Budget reductions pursuant to this section shall be consistent with the provisions of Article III, Section 19(h).

**History.**—Proposed by Taxation and Budget Reform Commission Revision No. 1, 1992, filed with the Secretary of State May 7, 1992; adopted 1992.

## ARTICLE V

### JUDICIARY

Sec.

1. Courts.
2. Administration; practice and procedure.
3. Supreme court.
4. District courts of appeal.
5. Circuit courts.
6. County courts.
7. Specialized divisions.
8. Eligibility.
9. Determination of number of judges.
10. Retention; election and terms.
11. Vacancies.
12. Discipline; removal and retirement.
13. Prohibited activities.
14. Funding.
15. Attorneys; admission and discipline.
16. Clerks of the circuit courts.
17. State attorneys.

Sec.

18. Public defenders.
19. Judicial officers as conservators of the peace.
20. Schedule to Article V.

**SECTION 1. Courts.**—The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts. No other courts may be established by the state, any political subdivision or any municipality. The legislature shall, by general law, divide the state into appellate court districts and judicial circuits following county lines. Commissions established by law, or administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices. The legislature may establish by general law a civil traffic hearing officer system for the purpose of hearing civil traffic infractions. The legislature may, by general law, authorize a military court-martial to be conducted by military judges of the Florida National Guard, with direct appeal of a decision to the District Court of Appeal, First District.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. H.J.R. 1608, 1988; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 2. Administration; practice and procedure.**—

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. The supreme court shall adopt rules to allow the court and the district courts of appeal to submit questions relating to military law to the federal Court of Appeals for the Armed Forces for an advisory opinion. Rules of court may be repealed by general law enacted by two-thirds vote of the membership of each house of the legislature.

(b) The chief justice of the supreme court shall be chosen by a majority of the members of the court; shall be the chief administrative officer of the judicial system; and shall have the power to assign justices or judges, including consenting retired justices or judges, to temporary duty in any court for which the judge is qualified and to delegate to a chief judge of a judicial circuit the power to assign judges for duty in that circuit.

(c) A chief judge for each district court of appeal shall be chosen by a majority of the judges thereof or, if there is no majority, by the chief justice. The chief judge shall be responsible for the administrative supervision of the court.

(d) A chief judge in each circuit shall be chosen from among the circuit judges as provided by supreme court rule. The chief judge shall be responsible for the administrative supervision of the circuit courts and county courts in his circuit.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

### SECTION 3. Supreme court.—

(a) ORGANIZATION.—The supreme court shall consist of seven justices. Of the seven justices, each appellate district shall have at least one justice elected or appointed from the district to the supreme court who is a resident of the district at the time of the original appointment or election. Five justices shall constitute a quorum. The concurrence of four justices shall be necessary to a decision. When recusals for cause would prohibit the court from convening because of the requirements of this section, judges assigned to temporary duty may be substituted for justices.

(b) JURISDICTION.—The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from decisions of district courts of appeal declaring invalid a state statute or a provision of the state constitution.

(2) When provided by general law, shall hear appeals from final judgments entered in proceedings for the validation of bonds or certificates of indebtedness and shall review action of statewide agencies relating to rates or service of utilities providing electric, gas, or telephone service.

(3) May review any decision of a district court of appeal that expressly declares valid a state statute, or that expressly construes a provision of the state or federal constitution, or that expressly affects a class of constitutional or state officers, or that expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law.

(4) May review any decision of a district court of appeal that passes upon a question certified by it to be of great public importance, or that is certified by it to be in direct conflict with a decision of another district court of appeal.

(5) May review any order or judgment of a trial court certified by the district court of appeal in which an appeal is pending to be

of great public importance, or to have a great effect on the proper administration of justice throughout the state, and certified to require immediate resolution by the supreme court.

(6) May review a question of law certified by the Supreme Court of the United States or a United States Court of Appeals which is determinative of the cause and for which there is no controlling precedent of the supreme court of Florida.

(7) May issue writs of prohibition to courts and all writs necessary to the complete exercise of its jurisdiction.

(8) May issue writs of mandamus and quo warranto to state officers and state agencies.

(9) May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof, or any circuit judge.

(10) Shall, when requested by the attorney general pursuant to the provisions of Section 10 of Article IV, render an advisory opinion of the justices, addressing issues as provided by general law.

(c) CLERK AND MARSHAL.—The supreme court shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. C.S. for S.J.R.'s 49, 81, 1976; adopted 1976; Am. S.J.R. 20-C, 1979; adopted 1980; Am. H.J.R. 71, 1986; adopted 1986; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

### SECTION 4. District courts of appeal.

(a) ORGANIZATION.—There shall be a district court of appeal serving each appellate district. Each district court of appeal shall consist of at least three judges. Three judges shall consider each case and the concurrence of two shall be necessary to a decision.

(b) JURISDICTION.—

(1) District courts of appeal shall have jurisdiction to hear appeals, that may be taken as a matter of right, from final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders in such cases to the extent provided by rules adopted by the supreme court.

(2) District courts of appeal shall have the power of direct review of administrative action, as prescribed by general law.

(3) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before the court or any judge

thereof or before any circuit judge within the territorial jurisdiction of the court. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

(c) **CLERKS AND MARSHALS.**—Each district court of appeal shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the territorial jurisdiction of the court, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

### **SECTION 5. Circuit courts.—**

(a) **ORGANIZATION.**—There shall be a circuit court serving each judicial circuit.

(b) **JURISDICTION.**—The circuit courts shall have original jurisdiction not vested in the county courts, and jurisdiction of appeals when provided by general law. They shall have the power to issue writs of mandamus, quo warranto, certiorari, prohibition and habeas corpus, and all writs necessary or proper to the complete exercise of their jurisdiction. Jurisdiction of the circuit court shall be uniform throughout the state. They shall have the power of direct review of administrative action prescribed by general law.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

### **SECTION 6. County courts.—**

(a) **ORGANIZATION.**—There shall be a county court in each county. There shall be one or more judges for each county court as prescribed by general law.

(b) **JURISDICTION.**—The county courts shall exercise the jurisdiction prescribed by general law. Such jurisdiction shall be uniform throughout the state.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

**SECTION 7. Specialized divisions.**—All courts except the supreme court may sit in divisions as may be established by general law. A circuit or county court may hold civil and criminal trials and hearings in any place within the territorial jurisdiction of the court as designated by the chief judge of the circuit.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

**SECTION 8. Eligibility.**—No person shall be eligible for office of justice or judge of any court unless the person is an elector of the state and resides in the territorial jurisdiction of the court. No justice or judge shall

serve after attaining the age of seventy years except upon temporary assignment or to complete a term, one-half of which has been served. No person is eligible for the office of justice of the supreme court or judge of a district court of appeal unless the person is, and has been for the preceding ten years, a member of the bar of Florida. No person is eligible for the office of circuit judge unless the person is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, no person is eligible for the office of county court judge unless the person is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, a person shall be eligible for election or appointment to the office of county court judge in a county having a population of 40,000 or less if the person is a member in good standing of the bar of Florida.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. H.J.R. 37, 1984; adopted 1984 (effective July 1, 1985); Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

### **SECTION 9. Determination of number of judges.—**

The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges or increasing, decreasing or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need. Upon receipt of such certificate, the legislature, at the next regular session, shall consider the findings and recommendations and may reject the recommendations or by law implement the recommendations in whole or in part; provided the legislature may create more judicial offices than are recommended by the supreme court or may decrease the number of judicial offices by a greater number than recommended by the court only upon a finding of two-thirds of the membership of both houses of the legislature, that such a need exists. A decrease in the number of judges shall be effective only after the expiration of a term. If the supreme court fails to make findings as provided above when need exists, the legislature may by concurrent resolution request the court to certify its findings and recommendations and upon the failure of the court to certify its findings for nine consecutive months, the legislature may, upon a finding of two-thirds of the membership of both houses of the legislature

that a need exists, increase or decrease the number of judges or increase, decrease or redefine appellate districts and judicial circuits.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

**SECTION 10. Retention; election and terms.—**

(a) Any justice or judge may qualify for retention by a vote of the electors in the general election next preceding the expiration of the justice's or judge's term in the manner prescribed by law. If a justice or judge is ineligible or fails to qualify for retention, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge. When a justice or judge so qualifies, the ballot shall read substantially as follows: "Shall Justice (or Judge) (name of justice or judge) of the (name of the court) be retained in office?" If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to retain, the justice or judge shall be retained for a term of six years. The term of the justice or judge retained shall commence on the first Tuesday after the first Monday in January following the general election. If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to not retain, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge.

(b)(1) The election of circuit judges shall be preserved notwithstanding the provisions of subsection (a) unless a majority of those voting in the jurisdiction of that circuit approves a local option to select circuit judges by merit selection and retention rather than by election. The election of circuit judges shall be by a vote of the qualified electors within the territorial jurisdiction of the court.

(2) The election of county court judges shall be preserved notwithstanding the provisions of subsection (a) unless a majority of those voting in the jurisdiction of that county approves a local option to select county judges by merit selection and retention rather than by election. The election of county court judges shall be by a vote of the qualified electors within the territorial jurisdiction of the court.

(3)a. A vote to exercise a local option to select circuit court judges and county court judges by merit selection and retention rather than by election shall be held in each circuit and county at the general election in the year 2000. If a vote to exercise this local option fails in a vote of the electors, such option shall not again be put to a vote of the electors of that jurisdiction until the expiration of at least two years.

b. After the year 2000, a circuit may initiate the local option for merit selection

and retention or the election of circuit judges, whichever is applicable, by filing with the custodian of state records a petition signed by the number of electors equal to at least ten percent of the votes cast in the circuit in the last preceding election in which presidential electors were chosen.

c. After the year 2000, a county may initiate the local option for merit selection and retention or the election of county court judges, whichever is applicable, by filing with the supervisor of elections a petition signed by the number of electors equal to at least ten percent of the votes cast in the county in the last preceding election in which presidential electors were chosen. The terms of circuit judges and judges of county courts shall be for six years.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. C.S. for S.J.R.'s 49, 81, 1976; adopted 1976; Ams. proposed by Constitution Revision Commission, Revision Nos. 7 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 11. Vacancies.—**

(a) Whenever a vacancy occurs in a judicial office to which election for retention applies, the governor shall fill the vacancy by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission.

(b) The governor shall fill each vacancy on a circuit court or on a county court, wherein the judges are elected by a majority vote of the electors, by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

(c) The nominations shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. The governor shall make the appointment within sixty days after the nominations have been certified to the governor.

(d) There shall be a separate judicial nominating commission as provided by general law for the supreme court, each district court of appeal, and each judicial circuit for all trial courts within the circuit. Uniform rules of procedure shall be established by the judicial nominating commissions at each level of the

court system. Such rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. Except for deliberations of the judicial nominating commissions, the proceedings of the commissions and their records shall be open to the public.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. C.S. for S.J.R.'s 49, 81, 1976; adopted 1976; Am. H.J.R. 1160, 1984; adopted 1984; Am. C.S. for S.J.R. 978, 1996; adopted 1996; Ams. proposed by Constitution Revision Commission, Revision Nos. 7 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

## **SECTION 12. Discipline; removal and retirement.—**

(a) **JUDICIAL QUALIFICATIONS COMMISSION.**—A judicial qualifications commission is created.

(1) There shall be a judicial qualifications commission vested with jurisdiction to investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966, (without regard to the effective date of this section) demonstrates a present unfitness to hold office, and to investigate and recommend the discipline of a justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966 (without regard to the effective date of this section), warrants such discipline. For purposes of this section, discipline is defined as any or all of the following: reprimand, fine, suspension with or without pay, or lawyer discipline. The commission shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge. The commission shall have jurisdiction regarding allegations of incapacity during service as a justice or judge. The commission shall be composed of:

a. Two judges of district courts of appeal selected by the judges of those courts, two circuit judges selected by the judges of the circuit courts and two judges of county courts selected by the judges of those courts;

b. Four electors who reside in the state, who are members of the bar of Florida, and who shall be chosen by the governing body of the bar of Florida; and

c. Five electors who reside in the state, who have never held judicial office or been members of the bar of Florida, and who shall be appointed by the governor.

(2) The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed

by general law. No member of the commission except a judge shall be eligible for state judicial office while acting as a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; provided that a judge may campaign for judicial office and hold that office. The commission shall elect one of its members as its chairperson.

(3) Members of the judicial qualifications commission not subject to impeachment shall be subject to removal from the commission pursuant to the provisions of Article IV, Section 7, Florida Constitution.

(4) The commission shall adopt rules regulating its proceedings, the filling of vacancies by the appointing authorities, the disqualification of members, the rotation of members between the panels, and the temporary replacement of disqualified or incapacitated members. The commission's rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. The commission shall have power to issue subpoenas. Until formal charges against a justice or judge are filed by the investigative panel with the clerk of the supreme court of Florida all proceedings by or before the commission shall be confidential; provided, however, upon a finding of probable cause and the filing by the investigative panel with said clerk of such formal charges against a justice or judge such charges and all further proceedings before the commission shall be public.

(5) The commission shall have access to all information from all executive, legislative and judicial agencies, including grand juries, subject to the rules of the commission. At any time, on request of the speaker of the house of representatives or the governor, the commission shall make available all information in the possession of the commission for use in consideration of impeachment or suspension, respectively.

(b) **PANELS.**—The commission shall be divided into an investigative panel and a hearing panel as established by rule of the commission. The investigative panel is vested with the jurisdiction to receive or initiate complaints, conduct investigations, dismiss complaints, and upon a vote of a simple majority of the panel submit formal charges to the hearing panel. The hearing panel is vested with the authority to receive and hear formal charges from the investigative panel and upon a two-thirds vote of the panel recommend to the supreme court the removal of a justice or judge or the involuntary

retirement of a justice or judge for any permanent disability that seriously interferes with the performance of judicial duties. Upon a simple majority vote of the membership of the hearing panel, the panel may recommend to the supreme court that the justice or judge be subject to appropriate discipline.

(c) SUPREME COURT.—The supreme court shall receive recommendations from the judicial qualifications commission's hearing panel.

(1) The supreme court may accept, reject, or modify in whole or in part the findings, conclusions, and recommendations of the commission and it may order that the justice or judge be subjected to appropriate discipline, or be removed from office with termination of compensation for willful or persistent failure to perform judicial duties or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of judicial duties. Malafides, scienter or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge whose conduct demonstrates a present unfitness to hold office. After the filing of a formal proceeding and upon request of the investigative panel, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(2) The supreme court may award costs to the prevailing party.

(d) The power of removal conferred by this section shall be both alternative and cumulative to the power of impeachment.

(e) Notwithstanding any of the foregoing provisions of this section, if the person who is the subject of proceedings by the judicial qualifications commission is a justice of the supreme court of Florida all justices of such court automatically shall be disqualified to sit as justices of such court with respect to all proceedings therein concerning such person and the supreme court for such purposes shall be composed of a panel consisting of the seven chief judges of the judicial circuits of the state of Florida most senior in tenure of judicial office as circuit judge. For purposes of determining seniority of such circuit judges in the event there be judges of equal tenure in judicial office as circuit judge the judge or judges from the lower numbered circuit or circuits shall be deemed senior. In the event any such chief circuit judge is under investigation by the judicial qualifications commission or is otherwise disqualified or unable to serve on the panel, the next most senior chief circuit judge or judges shall serve in place of

such disqualified or disabled chief circuit judge.

(f) SCHEDULE TO SECTION 12.—

(1) Except to the extent inconsistent with the provisions of this section, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(2) After this section becomes effective and until adopted by rule of the commission consistent with it:

a. The commission shall be divided, as determined by the chairperson, into one investigative panel and one hearing panel to meet the responsibilities set forth in this section.

b. The investigative panel shall be composed of:

1. Four judges,
2. Two members of the bar of Florida, and
3. Three non-lawyers.

c. The hearing panel shall be composed of:

1. Two judges,
2. Two members of the bar of Florida, and
3. Two non-lawyers.

d. Membership on the panels may rotate in a manner determined by the rules of the commission provided that no member shall vote as a member of the investigative and hearing panel on the same proceeding.

e. The commission shall hire separate staff for each panel.

f. The members of the commission shall serve for staggered terms of six years.

g. The terms of office of the present members of the judicial qualifications commission shall expire upon the effective date of the amendments to this section approved by the legislature during the regular session of the legislature in 1996 and new members shall be appointed to serve the following staggered terms:

1. Group I.—The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one judge from the district courts of appeal and one circuit judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 1998.

2. Group II.—The terms of five members, composed of one elector as set forth in s. 12(a)(1)c. of Article V, two members of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one circuit judge and one county judge as set forth in s. 12(a)(1)a. of Article V shall expire on December 31, 2000.

3. Group III.—The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b., one judge from the district courts of appeal and one county judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 2002.

h. An appointment to fill a vacancy of the commission shall be for the remainder of the term.

i. Selection of members by district courts of appeal judges, circuit judges, and county court judges, shall be by no less than a majority of the members voting at the respective courts' conferences. Selection of members by the board of governors of the bar of Florida shall be by no less than a majority of the board.

j. The commission shall be entitled to recover the costs of investigation and prosecution, in addition to any penalty levied by the supreme court.

k. The compensation of members and referees shall be the travel expenses or transportation and per diem allowance as provided by general law.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. H.J.R. 3911, 1974; adopted 1974; Am. H.J.R. 1709, 1975; adopted 1976; Am. C.S. for S.J.R. 978, 1996; adopted 1996; Am. proposed by Constitution Revision Commission, Revision No. 7, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 13. Prohibited activities.**—All justices and judges shall devote full time to their judicial duties. They shall not engage in the practice of law or hold office in any political party.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

**SECTION 14. Funding.**—

(a) All justices and judges shall be compensated only by state salaries fixed by general law. Funding for the state courts system, state attorneys' offices, public defenders' offices, and court-appointed counsel, except as otherwise provided in subsection (c), shall be provided from state revenues appropriated by general law.

(b) All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements

of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.

(c) No county or municipality, except as provided in this subsection, shall be required to provide any funding for the state courts system, state attorneys' offices, public defenders' offices, court-appointed counsel or the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall be required to fund the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall also pay reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

(d) The judiciary shall have no power to fix appropriations.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. proposed by Constitution Revision Commission, Revision No. 7, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 15. Attorneys; admission and discipline.**—The supreme court shall have exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

**SECTION 16. Clerks of the circuit courts.**—There shall be in each county a clerk of the circuit court who shall be selected pursuant to the provisions of Article VIII section 1. Notwithstanding any other provision of the constitution, the duties of the clerk of the circuit court may be divided by special or general law between two officers, one serving as clerk of court and one serving as ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds. There may be a clerk of the county court if authorized by general or special law.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

**SECTION 17. State attorneys.**—In each judicial circuit a state attorney shall be elected

for a term of four years. Except as otherwise provided in this constitution, the state attorney shall be the prosecuting officer of all trial courts in that circuit and shall perform other duties prescribed by general law; provided, however, when authorized by general law, the violations of all municipal ordinances may be prosecuted by municipal prosecutors. A state attorney shall be an elector of the state and reside in the territorial jurisdiction of the circuit; shall be and have been a member of the bar of Florida for the preceding five years; shall devote full time to the duties of the office; and shall not engage in the private practice of law. State attorneys shall appoint such assistant state attorneys as may be authorized by law.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. H.J.R. 386, 1985; adopted 1986; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 18. Public defenders.**—In each judicial circuit a public defender shall be elected for a term of four years, who shall perform duties prescribed by general law. A public defender shall be an elector of the state and reside in the territorial jurisdiction of the circuit and shall be and have been a member of the Bar of Florida for the preceding five years. Public defenders shall appoint such assistant public defenders as may be authorized by law.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 19. Judicial officers as conservators of the peace.**—All judicial officers in this state shall be conservators of the peace.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

**SECTION 20. Schedule to Article V.**—

(a) This article shall replace all of Article V of the Constitution of 1885, as amended, which shall then stand repealed.

(b) Except to the extent inconsistent with the provisions of this article, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(c) After this article becomes effective, and until changed by general law consistent with sections 1 through 19 of this article:

(1) The supreme court shall have the jurisdiction immediately theretofore exercised by it, and it shall determine all proceedings pending before it on the effective date of this article.

(2) The appellate districts shall be those in existence on the date of adoption of this article. There shall be a district court of appeal

in each district. The district courts of appeal shall have the jurisdiction immediately theretofore exercised by the district courts of appeal and shall determine all proceedings pending before them on the effective date of this article.

(3) Circuit courts shall have jurisdiction of appeals from county courts and municipal courts, except those appeals which may be taken directly to the supreme court; and they shall have exclusive original jurisdiction in all actions at law not cognizable by the county courts; of proceedings relating to the settlement of the estate of decedents and minors, the granting of letters testamentary, guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate; in all cases in equity including all cases relating to juveniles; of all felonies and of all misdemeanors arising out of the same circumstances as a felony which is also charged; in all cases involving legality of any tax assessment or toll; in the action of ejectment; and in all actions involving the titles or boundaries or right of possession of real property. The circuit court may issue injunctions. There shall be judicial circuits which shall be the judicial circuits in existence on the date of adoption of this article. The chief judge of a circuit may authorize a county court judge to order emergency hospitalizations pursuant to Chapter 71-131, Laws of Florida, in the absence from the county of the circuit judge and the county court judge shall have the power to issue all temporary orders and temporary injunctions necessary or proper to the complete exercise of such jurisdiction.

(4) County courts shall have original jurisdiction in all criminal misdemeanor cases not cognizable by the circuit courts, of all violations of municipal and county ordinances, and of all actions at law in which the matter in controversy does not exceed the sum of two thousand five hundred dollars (\$2,500.00) exclusive of interest and costs, except those within the exclusive jurisdiction of the circuit courts. Judges of county courts shall be committing magistrates. The county courts shall have jurisdiction now exercised by the county judge's courts other than that vested in the circuit court by subsection (c)(3) hereof, the jurisdiction now exercised by the county courts, the claims court, the small claims courts, the small claims magistrates courts, magistrates courts, justice of the peace courts, municipal courts and courts of chartered counties, including but not limited to the counties referred to in Article VIII, sections 9, 10, 11 and 24 of the Constitution of 1885.

(5) Each judicial nominating commission shall be composed of the following:

a. Three members appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are actively engaged in the practice of law with offices within the territorial jurisdiction of the affected court, district or circuit;

b. Three electors who reside in the territorial jurisdiction of the court or circuit appointed by the governor; and

c. Three electors who reside in the territorial jurisdiction of the court or circuit and who are not members of the bar of Florida, selected and appointed by a majority vote of the other six members of the commission.

(6) No justice or judge shall be a member of a judicial nominating commission. A member of a judicial nominating commission may hold public office other than judicial office. No member shall be eligible for appointment to state judicial office so long as that person is a member of a judicial nominating commission and for a period of two years thereafter. All acts of a judicial nominating commission shall be made with a concurrence of a majority of its members.

(7) The members of a judicial nominating commission shall serve for a term of four years except the terms of the initial members of the judicial nominating commissions shall expire as follows:

a. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1974;

b. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1975;

c. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1976;

(8) All fines and forfeitures arising from offenses tried in the county court shall be collected, and accounted for by clerk of the court, and deposited in a special trust account. All fines and forfeitures received from violations of ordinances or misdemeanors committed within a county or municipal ordinances committed within a municipality within the territorial jurisdiction of the county court shall be paid monthly to the county or municipality respectively. If any costs are assessed and collected in connection with offenses tried in county court, all court costs shall be paid into the general revenue fund of the state of Florida and such other funds as prescribed by general law.

(9) Any municipality or county may apply to the chief judge of the circuit in which that municipality or county is situated for the county court to sit in a location suitable to the municipality or county and convenient in time and place to its citizens and police

officers and upon such application said chief judge shall direct the court to sit in the location unless the chief judge shall determine the request is not justified. If the chief judge does not authorize the county court to sit in the location requested, the county or municipality may apply to the supreme court for an order directing the county court to sit in the location. Any municipality or county which so applies shall be required to provide the appropriate physical facilities in which the county court may hold court.

(10) All courts except the supreme court may sit in divisions as may be established by local rule approved by the supreme court.

(11) A county court judge in any county having a population of 40,000 or less according to the last decennial census, shall not be required to be a member of the bar of Florida.

(12) Municipal prosecutors may prosecute violations of municipal ordinances.

(13) Justice shall mean a justice elected or appointed to the supreme court and shall not include any judge assigned from any court.

(d) When this article becomes effective:

(1) All courts not herein authorized, except as provided by subsection (d)(4) of this section shall cease to exist and jurisdiction to conclude all pending cases and enforce all prior orders and judgments shall vest in the court that would have jurisdiction of the cause if thereafter instituted. All records of and property held by courts abolished hereby shall be transferred to the proper office of the appropriate court under this article.

(2) Judges of the following courts, if their terms do not expire in 1973 and if they are eligible under subsection (d)(8) hereof, shall become additional judges of the circuit court for each of the counties of their respective circuits, and shall serve as such circuit judges for the remainder of the terms to which they were elected and shall be eligible for election as circuit judges thereafter. These courts are: civil court of record of Dade county, all criminal courts of record, the felony courts of record of Alachua, Leon and Volusia Counties, the courts of record of Broward, Brevard, Escambia, Hillsborough, Lee, Manatee and Sarasota Counties, the civil and criminal court of record of Pinellas County, and county judge's courts and separate juvenile courts in counties having a population in excess of 100,000 according to the 1970 federal census. On the effective date of this article, there shall be an additional number of positions of circuit judges equal to the number of existing circuit judges and the number of judges of the above named courts whose term expires in 1973. Elections to such offices shall take place at the same time and manner as elections to other state judicial offices in

1972 and the terms of such offices shall be for a term of six years. Unless changed pursuant to section nine of this article, the number of circuit judges presently existing and created by this subsection shall not be changed.

(3) In all counties having a population of less than 100,000 according to the 1970 federal census and having more than one county judge on the date of the adoption of this article, there shall be the same number of judges of the county court as there are county judges existing on that date unless changed pursuant to section 9 of this article.

(4) Municipal courts shall continue with their same jurisdiction until amended or terminated in a manner prescribed by special or general law or ordinances, or until January 3, 1977, whichever occurs first. On that date all municipal courts not previously abolished shall cease to exist. Judges of municipal courts shall remain in office and be subject to reappointment or reelection in the manner prescribed by law until said courts are terminated pursuant to the provisions of this subsection. Upon municipal courts being terminated or abolished in accordance with the provisions of this subsection, the judges thereof who are not members of the bar of Florida, shall be eligible to seek election as judges of county courts of their respective counties.

(5) Judges, holding elective office in all other courts abolished by this article, whose terms do not expire in 1973 including judges established pursuant to Article VIII, sections 9 and 11 of the Constitution of 1885 shall serve as judges of the county court for the remainder of the term to which they were elected. Unless created pursuant to section 9, of this Article V such judicial office shall not continue to exist thereafter.

(6) By March 21, 1972, the supreme court shall certify the need for additional circuit and county judges. The legislature in the 1972 regular session may by general law create additional offices of judge, the terms of which shall begin on the effective date of this article. Elections to such offices shall take place at the same time and manner as election to other state judicial offices in 1972.

(7) County judges of existing county judge's courts and justices of the peace and magistrates' court who are not members of bar of Florida shall be eligible to seek election as county court judges of their respective counties.

(8) No judge of a court abolished by this article shall become or be eligible to become a judge of the circuit court unless the judge has been a member of bar of Florida for the preceding five years.

(9) The office of judges of all other courts abolished by this article shall be abolished as of the effective date of this article.

(10) The offices of county solicitor and prosecuting attorney shall stand abolished, and all county solicitors and prosecuting attorneys holding such offices upon the effective date of this article shall become and serve as assistant state attorneys for the circuits in which their counties are situate for the remainder of their terms, with compensation not less than that received immediately before the effective date of this article.

(e) LIMITED OPERATION OF SOME PROVISIONS.—

(1) All justices of the supreme court, judges of the district courts of appeal and circuit judges in office upon the effective date of this article shall retain their offices for the remainder of their respective terms. All members of the judicial qualifications commission in office upon the effective date of this article shall retain their offices for the remainder of their respective terms. Each state attorney in office on the effective date of this article shall retain the office for the remainder of the term.

(2) No justice or judge holding office immediately after this article becomes effective who held judicial office on July 1, 1957, shall be subject to retirement from judicial office because of age pursuant to section 8 of this article.

(f) Until otherwise provided by law, the nonjudicial duties required of county judges shall be performed by the judges of the county court.

<sup>1</sup>(g) All provisions of Article V of the Constitution of 1885, as amended, not embraced herein which are not inconsistent with this revision shall become statutes subject to modification or repeal as are other statutes.

(h) The requirements of section 14 relative to all county court judges or any judge of a municipal court who continues to hold office pursuant to subsection (d)(4) hereof being compensated by state salaries shall not apply prior to January 3, 1977, unless otherwise provided by general law.

(i) DELETION OF OBSOLETE SCHEDULE ITEMS.—The legislature shall have power, by concurrent resolution, to delete from this article any subsection of this section 20 including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

(j) EFFECTIVE DATE.—Unless otherwise provided herein, this article shall become

effective at 11:59 o'clock P.M., Eastern Standard Time, January 1, 1973.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**Note.**—All provisions of Art. V of the Constitution of 1885, as amended, considered as statutory law, were repealed by ch. 73-303, Laws of Florida.

## ARTICLE VI

### SUFFRAGE AND ELECTIONS

Sec.

1. Regulation of elections.
2. Electors.
3. Oath.
4. Disqualifications.
5. Primary, general, and special elections.
6. Municipal and district elections.
7. Campaign spending limits and funding of campaigns for elective state-wide office.

#### SECTION 1. Regulation of elections.

All elections by the people shall be by direct and secret vote. General elections shall be determined by a plurality of votes cast. Registration and elections shall, and political party functions may, be regulated by law; however, the requirements for a candidate with no party affiliation or for a candidate of a minor party for placement of the candidate's name on the ballot shall be no greater than the requirements for a candidate of the party having the largest number of registered voters.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 2. Electors.**—Every citizen of the United States who is at least eighteen years of age and who is a permanent resident of the state, if registered as provided by law, shall be an elector of the county where registered.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 3. Oath.**—Each eligible citizen upon registering shall subscribe the following: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, and that I am qualified to register as an elector under the Constitution and laws of the State of Florida."

#### SECTION 4. Disqualifications.—

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to

vote or hold office until restoration of civil rights or removal of disability.

(b) No person may appear on the ballot for re-election to any of the following offices:

- (1) Florida representative,
- (2) Florida senator,
- (3) Florida Lieutenant governor,
- (4) any office of the Florida cabinet,
- (5) U.S. Representative from Florida, or
- (6) U.S. Senator from Florida

if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.

**History.**—Am. by Initiative Petition filed with the Secretary of State July 23, 1992; adopted 1992.

#### SECTION 5. Primary, general, and special elections.—

(a) A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. A general election may be suspended or delayed due to a state of emergency or impending emergency pursuant to general law. Special elections and referenda shall be held as provided by law.

(b) If all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office.

**History.**—Am. S.J.R. 162, 1992; adopted 1992; Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 6. Municipal and district elections.**—Registration and elections in municipalities shall, and in other governmental entities created by statute may, be provided by law.

**SECTION 7. Campaign spending limits and funding of campaigns for elective state-wide office.**—It is the policy of this state to provide for state-wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state-wide office shall be established by law. Spending limits shall be established for such campaigns for candidates who use public funds in their campaigns. The legislature shall provide funding for this provision. General law implementing this paragraph shall be at least as protective of effective competition by a candidate who

uses public funds as the general law in effect on January 1, 1998.

**History.**—Proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

## ARTICLE VII

### FINANCE AND TAXATION

Sec.

1. Taxation; appropriations; state expenses; state revenue limitation.
2. Taxes; rate.
3. Taxes; exemptions.
4. Taxation; assessments.
5. Estate, inheritance and income taxes.
6. Homestead exemptions.
7. Allocation of pari-mutuel taxes.
8. Aid to local governments.
9. Local taxes.
10. Pledging credit.
11. State bonds; revenue bonds.
12. Local bonds.
13. Relief from illegal taxes.
14. Bonds for pollution control and abatement and other water facilities.
15. Revenue bonds for scholarship loans.
16. Bonds for housing and related facilities.
17. Bonds for acquiring transportation right-of-way or for constructing bridges.
18. Laws requiring counties or municipalities to spend funds or limiting their ability to raise revenue or receive state tax revenue.

#### **SECTION 1. Taxation; appropriations; state expenses; state revenue limitation.**

(a) No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

(c) No money shall be drawn from the treasury except in pursuance of appropriation made by law.

(d) Provision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period.

(e) Except as provided herein, state revenues collected for any fiscal year shall be limited to state revenues allowed under this subsection for the prior fiscal year plus an adjustment for growth. As used in this subsection, "growth" means an amount equal to

the average annual rate of growth in Florida personal income over the most recent twenty quarters times the state revenues allowed under this subsection for the prior fiscal year. For the 1995-1996 fiscal year, the state revenues allowed under this subsection for the prior fiscal year shall equal the state revenues collected for the 1994-1995 fiscal year. Florida personal income shall be determined by the legislature, from information available from the United States Department of Commerce or its successor on the first day of February prior to the beginning of the fiscal year. State revenues collected for any fiscal year in excess of this limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III, and thereafter shall be refunded to taxpayers as provided by general law. State revenues allowed under this subsection for any fiscal year may be increased by a two-thirds vote of the membership of each house of the legislature in a separate bill that contains no other subject and that sets forth the dollar amount by which the state revenues allowed will be increased. The vote may not be taken less than seventy-two hours after the third reading of the bill. For purposes of this subsection, "state revenues" means taxes, fees, licenses, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, "state revenues" does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state; revenues that are used to provide matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund elective expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane Catastrophe Fund; balances carried forward from prior fiscal years; taxes, licenses, fees, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for services required to be imposed by any amendment or revision to this constitution after July 1, 1994. An adjustment to the revenue limitation shall be made by general law to reflect the fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government. The legislature shall, by general law, prescribe procedures necessary to administer this subsection.

**History.**—Am. H.J.R. 2053, 1994; adopted 1994.

**SECTION 2. Taxes; rate.**—All ad valorem taxation shall be at a uniform rate within each taxing unit, except the taxes on intangible personal property may be at different rates but shall never exceed two mills on the dollar of assessed value; provided, as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

**SECTION 3. Taxes; exemptions.**—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by

the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(e) By general law and subject to conditions specified therein, twenty-five thousand dollars of the assessed value of property subject to tangible personal property tax shall be exempt from ad valorem taxation.

<sup>1</sup>(f) There shall be granted an ad valorem tax exemption for real property dedicated in perpetuity for conservation purposes, including real property encumbered by perpetual conservation easements or by other perpetual conservation protections, as defined by general law.

(g) By general law and subject to the conditions specified therein, each person who receives a homestead exemption as provided in section 6 of this article; who was a member of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard; and who was deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature shall receive an additional exemption equal to a percentage of the taxable value of his or her homestead property. The applicable percentage shall be calculated as the number of days during the preceding calendar year the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature divided by the number of days in that year.

**History.**—Am. S.J.R.'s 9-E, 15-E, 1980; adopted 1980; Am. C.S. for S.J.R.'s 318, 356, 1988; adopted 1988; Am. S.J.R. 152, 1992; adopted 1992; Am. H.J.R. 969, 1997; adopted 1998; Am. C.S. for S.J.R. 2-D, 2007; adopted 2008; Ams. proposed by Taxation and Budget Reform Commission, Revision Nos. 3 and 4, 2008, filed with the Secretary of State April 28, 2008; adopted 2008; Am. H.J.R. 833, 2009; adopted 2010.

<sup>1</sup>**Note.**—This subsection, originally designated (g) by Revision No. 4 of the Taxation and Budget Reform Commission, 2008, was redesignated (f) by the editors to conform to the redesignation of subsections by Revision No. 3 of the Taxation and Budget Reform Commission, 2008.

**SECTION 4. Taxation; assessments.**

By general law regulations shall be prescribed

which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) As provided by general law and subject to conditions, limitations, and reasonable definitions specified therein, land used for conservation purposes shall be classified by general law and assessed solely on the basis of character or use.

(c) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(d) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, unless the provisions of paragraph (8) apply. Thereafter, the homestead shall be assessed as provided in this subsection.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead, unless the provisions of paragraph (8) apply. That assessment shall only change as provided in this subsection.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(8)a. A person who establishes a new homestead as of January 1, 2009, or January 1 of any subsequent year and who has received a homestead exemption pursuant to Section 6 of this Article as of January 1 of either of the two years immediately preceding the establishment of the new homestead is entitled to have the new homestead assessed at less than just value. If this revision is approved in January of 2008, a person who establishes a new homestead as of January 1, 2008, is entitled to have the new homestead assessed at less than just value only if that person received a homestead exemption on January 1, 2007. The assessed value of the newly established homestead shall be determined as follows:

1. If the just value of the new homestead is greater than or equal to the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be the just value of the new homestead minus an amount equal to the lesser of \$500,000 or the difference between the just value and the assessed value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned. Thereafter, the homestead shall be assessed as provided in this subsection.

2. If the just value of the new homestead is less than the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be equal to the just value of the new homestead divided by the just value of the prior homestead and multiplied by the assessed value of the prior homestead. However, if the difference between the just value of the new homestead and the assessed value of the new homestead calculated pursuant to this sub-subparagraph is greater than \$500,000, the assessed value of the new homestead shall be increased so that the difference between the just value and the assessed value equals \$500,000. Thereafter, the homestead shall be assessed as provided in this subsection.

b. By general law and subject to conditions specified therein, the Legislature shall provide for application of this paragraph to property owned by more than one person.

(e) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(f) A county may, in the manner prescribed by general law, provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

(g) For all levies other than school district levies, assessments of residential real property, as defined by general law, which contains nine units or fewer and which is not subject to the assessment limitations set forth in subsections (a) through (d) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed ten percent (10%) of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) After a change of ownership or control, as defined by general law, including any change of ownership of a legal entity that owns the property, such property shall be assessed at just value as of the next assessment date. Thereafter, such property shall be assessed as provided in this subsection.

(4) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(h) For all levies other than school district levies, assessments of real property that is not subject to the assessment limitations set forth in subsections (a) through (d) and (g)

shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed ten percent (10%) of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) The legislature must provide that such property shall be assessed at just value as of the next assessment date after a qualifying improvement, as defined by general law, is made to such property. Thereafter, such property shall be assessed as provided in this subsection.

(4) The legislature may provide that such property shall be assessed at just value as of the next assessment date after a change of ownership or control, as defined by general law, including any change of ownership of the legal entity that owns the property. Thereafter, such property shall be assessed as provided in this subsection.

(5) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

<sup>1</sup>(i) The legislature, by general law and subject to conditions specified therein, may prohibit the consideration of the following in the determination of the assessed value of real property used for residential purposes:

(1) Any change or improvement made for the purpose of improving the property's resistance to wind damage.

(2) The installation of a renewable energy source device.

<sup>2</sup>(j)(1) The assessment of the following working waterfront properties shall be based upon the current use of the property:

a. Land used predominantly for commercial fishing purposes.

b. Land that is accessible to the public and used for vessel launches into waters that are navigable.

c. Marinas and drystacks that are open to the public.

d. Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities.

(2) The assessment benefit provided by this subsection is subject to conditions and limitations and reasonable definitions as specified by the legislature by general law.

**History.**—Am. S.J.R. 12-E, 1980; adopted 1980; Am. H.J.R. 214, 1987; adopted 1988; Am. by Initiative Petition filed with the Secretary of State August 3, 1992; adopted 1992; Am. H.J.R. 969, 1997; adopted 1998; Am. proposed by Constitution Revision

Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998; Am. C.S. for H.J.R. 317, 2002; adopted 2002; Am. C.S. for S.J.R. 2-D, 2007; adopted 2008; Ams. Proposed by Taxation and Budget Reform Commission, Revision Nos. 3, 4, and 6, 2008, filed with the Secretary of State April 28, 2008; adopted 2008.

<sup>1</sup>**Note.**—This subsection, originally designated (h) by Revision No. 3 of the Taxation and Budget Reform Commission, 2008, was redesignated (i) by the editors to conform to the redesignation of subsections by Revision No. 4 of the Taxation and Budget Reform Commission, 2008.

<sup>2</sup>**Note.**—This subsection, originally designated (h) by Revision No. 6 of the Taxation and Budget Reform Commission, 2008, was redesignated (j) by the editors to conform to the redesignation of subsections by Revision No. 4 of the Taxation and Budget Reform Commission, 2008, and the creation of a new (h) by Revision No. 3 of the Taxation and Budget Reform Commission, 2008.

## SECTION 5. Estate, inheritance and income taxes.—

(a) **NATURAL PERSONS.** No tax upon estates or inheritances or upon the income of natural persons who are residents or citizens of the state shall be levied by the state, or under its authority, in excess of the aggregate of amounts which may be allowed to be credited upon or deducted from any similar tax levied by the United States or any state.

(b) **OTHERS.** No tax upon the income of residents and citizens other than natural persons shall be levied by the state, or under its authority, in excess of 5% of net income, as defined by law, or at such greater rate as is authorized by a three-fifths (¾) vote of the membership of each house of the legislature or as will provide for the state the maximum amount which may be allowed to be credited against income taxes levied by the United States and other states. There shall be exempt from taxation not less than five thousand dollars (\$5,000) of the excess of net income subject to tax over the maximum amount allowed to be credited against income taxes levied by the United States and other states.

(c) **EFFECTIVE DATE.** This section shall become effective immediately upon approval by the electors of Florida.

**History.**—Am. H.J.R. 7-B, 1971; adopted 1971.

## SECTION 6. Homestead exemptions.

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of twenty-five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or

membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(d) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant either or both of the following additional homestead tax exemptions:

(1) An exemption not exceeding fifty thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars; or

(2) An exemption equal to the assessed value of the property to any person who has the legal or equitable title to real estate with a just value less than two hundred and fifty thousand dollars and who has maintained thereon the permanent residence of the owner for not less than twenty-five years and who has attained age sixty-five and whose household income does not exceed the income limitation prescribed in paragraph (1).

The general law must allow counties and municipalities to grant these additional exemptions, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(e) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection is self-executing and does not require implementing legislation.

(f) By general law and subject to conditions and limitations specified therein, the Legislature may provide ad valorem tax relief equal to the total amount or a portion of the ad valorem tax otherwise owed on homestead property to the:

(1) Surviving spouse of a veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces.

(2) Surviving spouse of a first responder who died in the line of duty.

(3) As used in this subsection and as further defined by general law, the term:

a. "First responder" means a law enforcement officer, a correctional officer, a firefighter, an emergency medical technician, or a paramedic.

b. "In the line of duty" means arising out of and in the actual performance of duty required by employment as a first responder.

**History.**—Am. S.J.R. 1-B, 1979; adopted 1980; Am. S.J.R. 4-E, 1980; adopted 1980; Am. H.J.R. 3151, 1998; adopted 1998; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998; Am. H.J.R. 353, 2006; adopted 2006; Am. H.J.R. 631, 2006; adopted 2006; Am. C.S. for S.J.R. 2-D, 2007; adopted 2008; Am. S.J.R. 592, 2011; adopted 2012; Am. H.J.R. 93, 2012; adopted 2012; Am. H.J.R. 169, 2012; adopted 2012.

**SECTION 7. Allocation of pari-mutuel taxes.**—Taxes upon the operation of pari-mutuel pools may be preempted to the state or allocated in whole or in part to the counties. When allocated to the counties, the

distribution shall be in equal amounts to the several counties.

**SECTION 8. Aid to local governments.**

State funds may be appropriated to the several counties, school districts, municipalities or special districts upon such conditions as may be provided by general law. These conditions may include the use of relative ad valorem assessment levels determined by a state agency designated by general law.

**History.**—Am. S.J.R. 4-E, 1980; adopted 1980.

**SECTION 9. Local taxes.—**

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills; for water management purposes for the northwest portion of the state lying west of the line between ranges two and three east, 0.05 mill; for water management purposes for the remaining portions of the state, 1.0 mill; and for all other special districts a millage authorized by law approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the limits fixed for municipal purposes.

**History.**—Am. S.J.R. 1061, 1975; adopted 1976.

**SECTION 10. Pledging credit.**—Neither the state nor any county, school district, municipality, special district, or agency of any of them, shall become a joint owner with, or stockholder of, or give, lend or use its taxing power or credit to aid any corporation, association, partnership or person; but this shall not prohibit laws authorizing:

(a) the investment of public trust funds;

(b) the investment of other public funds in obligations of, or insured by, the United States or any of its instrumentalities;

(c) the issuance and sale by any county, municipality, special district or other local governmental body of (1) revenue bonds to finance or refinance the cost of capital

projects for airports or port facilities, or (2) revenue bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants to the extent that the interest thereon is exempt from income taxes under the then existing laws of the United States, when, in either case, the revenue bonds are payable solely from revenue derived from the sale, operation or leasing of the projects. If any project so financed, or any part thereof, is occupied or operated by any private corporation, association, partnership or person pursuant to contract or lease with the issuing body, the property interest created by such contract or lease shall be subject to taxation to the same extent as other privately owned property.

(d) a municipality, county, special district, or agency of any of them, being a joint owner of, giving, or lending or using its taxing power or credit for the joint ownership, construction and operation of electrical energy generating or transmission facilities with any corporation, association, partnership or person.

**History.**—Am. H.J.R. 1424, 1973; adopted 1974.

**SECTION 11. State bonds; revenue bonds.—**

(a) State bonds pledging the full faith and credit of the state may be issued only to finance or refinance the cost of state fixed capital outlay projects authorized by law, and purposes incidental thereto, upon approval by a vote of the electors; provided state bonds issued pursuant to this subsection may be refunded without a vote of the electors at a lower net average interest cost rate. The total outstanding principal of state bonds issued pursuant to this subsection shall never exceed fifty percent of the total tax revenues of the state for the two preceding fiscal years, excluding any tax revenues held in trust under the provisions of this constitution.

(b) Moneys sufficient to pay debt service on state bonds as the same becomes due shall be appropriated by law.

(c) Any state bonds pledging the full faith and credit of the state issued under this section or any other section of this constitution may be combined for the purposes of sale.

(d) Revenue bonds may be issued by the state or its agencies without a vote of the electors to finance or refinance the cost of state fixed capital outlay projects authorized by law, and purposes incidental thereto, and shall be payable solely from funds derived directly from sources other than state tax revenues.

(e) Bonds pledging all or part of a dedicated state tax revenue may be issued by the state in the manner provided by general law to finance or refinance the acquisition and

improvement of land, water areas, and related property interests and resources for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation.

(f) Each project, building, or facility to be financed or refinanced with revenue bonds issued under this section shall first be approved by the Legislature by an act relating to appropriations or by general law.

**History.**—Am. C.S. for C.S. for S.J.R. 612, 1984; adopted 1984; Am. proposed by Constitution Revision Commission, Revision No. 5, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 12. Local bonds.**—Counties, school districts, municipalities, special districts and local governmental bodies with taxing powers may issue bonds, certificates of indebtedness or any form of tax anticipation certificates, payable from ad valorem taxation and maturing more than twelve months after issuance only:

(a) to finance or refinance capital projects authorized by law and only when approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation; or

(b) to refund outstanding bonds and interest and redemption premium thereon at a lower net average interest cost rate.

**SECTION 13. Relief from illegal taxes.** Until payment of all taxes which have been legally assessed upon the property of the same owner, no court shall grant relief from the payment of any tax that may be illegal or illegally assessed.

**SECTION 14. Bonds for pollution control and abatement and other water facilities.—**

(a) When authorized by law, state bonds pledging the full faith and credit of the state may be issued without an election to finance the construction of air and water pollution control and abatement and solid waste disposal facilities and other water facilities authorized by general law (herein referred to as “facilities”) to be operated by any municipality, county, district or authority, or any agency thereof (herein referred to as “local governmental agencies”), or by any agency of the State of Florida. Such bonds shall be secured by a pledge of and shall be payable primarily from all or any part of revenues to be derived from operation of such facilities, special assessments, rentals to be received under lease-purchase agreements herein provided for, any other revenues that may be legally available for such purpose, including revenues from other facilities, or any combination thereof (herein

collectively referred to as “pledged revenues”), and shall be additionally secured by the full faith and credit of the State of Florida.

(b) No such bonds shall be issued unless a state fiscal agency, created by law, has made a determination that in no state fiscal year will the debt service requirements of the bonds proposed to be issued and all other bonds secured by the pledged revenues exceed seventy-five per cent of the pledged revenues.

(c) The state may lease any of such facilities to any local governmental agency, under lease-purchase agreements for such periods and under such other terms and conditions as may be mutually agreed upon. The local governmental agencies may pledge the revenues derived from such leased facilities or any other available funds for the payment of rentals thereunder; and, in addition, the full faith and credit and taxing power of such local governmental agencies may be pledged for the payment of such rentals without any election of freeholder electors or qualified electors.

(d) The state may also issue such bonds for the purpose of loaning money to local governmental agencies, for the construction of such facilities to be owned or operated by any of such local governmental agencies. Such loans shall bear interest at not more than one-half of one per cent per annum greater than the last preceding issue of state bonds pursuant to this section, shall be secured by the pledged revenues, and may be additionally secured by the full faith and credit of the local governmental agencies.

(e) The total outstanding principal of state bonds issued pursuant to this section 14 shall never exceed fifty per cent of the total tax revenues of the state for the two preceding fiscal years.

**History.**—C.S. for H.J.R.’s 3853, 4040, 1970; adopted 1970; Am. H.J.R. 1471, 1980; adopted 1980.

#### **SECTION 15. Revenue bonds for scholarship loans.—**

(a) When authorized by law, revenue bonds may be issued to establish a fund to make loans to students determined eligible as prescribed by law and who have been admitted to attend any public or private institutions of higher learning, junior colleges, health related training institutions, or vocational training centers, which are recognized or accredited under terms and conditions prescribed by law. Revenue bonds issued pursuant to this section shall be secured by a pledge of and shall be payable primarily from payments of interest, principal, and handling charges to such fund from the recipients of the loans and, if authorized by law, may be additionally secured by student fees and by

any other moneys in such fund. There shall be established from the proceeds of each issue of revenue bonds a reserve account in an amount equal to and sufficient to pay the greatest amount of principal, interest, and handling charges to become due on such issue in any ensuing state fiscal year.

(b) Interest moneys in the fund established pursuant to this section, not required in any fiscal year for payment of debt service on then outstanding revenue bonds or for maintenance of the reserve account, may be used for educational loans to students determined to be eligible therefor in the manner provided by law, or for such other related purposes as may be provided by law.

**History.**—Added, H.J.R. 46-D, 1971; adopted 1972.

#### **SECTION 16. Bonds for housing and related facilities.—**

(a) When authorized by law, revenue bonds may be issued without an election to finance or refinance housing and related facilities in Florida, herein referred to as “facilities.”

(b) The bonds shall be secured by a pledge of and shall be payable primarily from all or any part of revenues to be derived from the financing, operation or sale of such facilities, mortgage or loan payments, and any other revenues or assets that may be legally available for such purposes derived from sources other than ad valorem taxation, including revenues from other facilities, or any combination thereof, herein collectively referred to as “pledged revenues,” provided that in no event shall the full faith and credit of the state be pledged to secure such revenue bonds.

(c) No bonds shall be issued unless a state fiscal agency, created by law, has made a determination that in no state fiscal year will the debt service requirements of the bonds proposed to be issued and all other bonds secured by the same pledged revenues exceed the pledged revenues available for payment of such debt service requirements, as defined by law.

**History.**—Added, S.J.R. 6-E, 1980; adopted 1980.cf.—s. 18, Art. XII Schedule.

#### **SECTION 17. Bonds for acquiring transportation right-of-way or for constructing bridges.—**

(a) When authorized by law, state bonds pledging the full faith and credit of the state may be issued, without a vote of the electors, to finance or refinance the cost of acquiring real property or the rights to real property for state roads as defined by law, or to finance or refinance the cost of state bridge construction, and purposes incidental to such property acquisition or state bridge construction.

(b) Bonds issued under this section shall be secured by a pledge of and shall be payable primarily from motor fuel or special fuel taxes, except those defined in Section 9(c) of Article XII, as provided by law, and shall additionally be secured by the full faith and credit of the state.

(c) No bonds shall be issued under this section unless a state fiscal agency, created by law, has made a determination that in no state fiscal year will the debt service requirements of the bonds proposed to be issued and all other bonds secured by the same pledged revenues exceed ninety percent of the pledged revenues available for payment of such debt service requirements, as defined by law. For the purposes of this subsection, the term "pledged revenues" means all revenues pledged to the payment of debt service, excluding any pledge of the full faith and credit of the state.

**History.**—Added, C.S. for C.S. for S.J.R. 391, 1988; adopted 1988.

**SECTION 18. Laws requiring counties or municipalities to spend funds or limiting their ability to raise revenue or receive state tax revenue.—**

(a) No county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless: funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure; the legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality; the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

(b) Except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise

revenues in the aggregate, as such authority exists on February 1, 1989.

(c) Except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the percentage of a state tax shared with counties and municipalities as an aggregate on February 1, 1989. The provisions of this subsection shall not apply to enhancements enacted after February 1, 1989, to state tax sources, or during a fiscal emergency declared in a written joint proclamation issued by the president of the senate and the speaker of the house of representatives, or where the legislature provides additional state-shared revenues which are anticipated to be sufficient to replace the anticipated aggregate loss of state-shared revenues resulting from the reduction of the percentage of the state tax shared with counties and municipalities, which source of replacement revenues shall be subject to the same requirements for repeal or modification as provided herein for a state-shared tax source existing on February 1, 1989.

(d) Laws adopted to require funding of pension benefits existing on the effective date of this section, criminal laws, election laws, the general appropriations act, special appropriations acts, laws reauthorizing but not expanding then-existing statutory authority, laws having insignificant fiscal impact, and laws creating, modifying, or repealing non-criminal infractions, are exempt from the requirements of this section.

(e) The legislature may enact laws to assist in the implementation and enforcement of this section.

**History.**—Added, C.S. for C.S. for C.S. for H.J.R.'s 139, 40, 1989; adopted 1990.

**ARTICLE VIII**

**LOCAL GOVERNMENT**

Sec.

1. Counties.
2. Municipalities.
3. Consolidation.
4. Transfer of powers.
5. Local option.
6. Schedule to Article VIII.

**SECTION 1. Counties.—**

(a) **POLITICAL SUBDIVISIONS.** The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) COUNTY FUNDS. The care, custody and method of disbursing county funds shall be provided by general law.

(c) GOVERNMENT. Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) COUNTY OFFICERS. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

(e) COMMISSIONERS. Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

(f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) TAXES; LIMITATION. Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) COUNTY ORDINANCES. Each county ordinance shall be filed with the custodian of state records and shall become effective at such time thereafter as is provided by general law.

(j) VIOLATION OF ORDINANCES. Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) COUNTY SEAT. In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded until filed at the county seat, or a branch office designated by the governing body of the county for the recording of instruments, according to law.

**History.**—Am. H.J.R. 1907, 1973; adopted 1974; Am. H.J.R. 452, 1984; adopted 1984; Am. H.J.R. 125, 1998; adopted 1998; Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

## SECTION 2. Municipalities.—

(a) ESTABLISHMENT. Municipalities may be established or abolished and their charters amended pursuant to general or special law. When any municipality is abolished, provision shall be made for the protection of its creditors.

(b) POWERS. Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.

(c) ANNEXATION. Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.

**SECTION 3. Consolidation.**—The government of a county and the government of one or more municipalities located therein may be consolidated into a single government which may exercise any and all powers of the county and the several municipalities. The consolidation plan may be proposed only by special law, which shall become effective if approved by vote of the electors of the county,

or of the county and municipalities affected, as may be provided in the plan. Consolidation shall not extend the territorial scope of taxation for the payment of pre-existing debt except to areas whose residents receive a benefit from the facility or service for which the indebtedness was incurred.

**SECTION 4. Transfer of powers.**—By law or by resolution of the governing bodies of each of the governments affected, any function or power of a county, municipality or special district may be transferred to or contracted to be performed by another county, municipality or special district, after approval by vote of the electors of the transferor and approval by vote of the electors of the transferee, or as otherwise provided by law.

**SECTION 5. Local option.**—

(a) Local option on the legality or prohibition of the sale of intoxicating liquors, wines or beers shall be preserved to each county. The status of a county with respect thereto shall be changed only by vote of the electors in a special election called upon the petition of twenty-five per cent of the electors of the county, and not sooner than two years after an earlier election on the same question. Where legal, the sale of intoxicating liquors, wines and beers shall be regulated by law.

(b) Each county shall have the authority to require a criminal history records check and a 3 to 5-day waiting period, excluding weekends and legal holidays, in connection with the sale of any firearm occurring within such county. For purposes of this subsection, the term "sale" means the transfer of money or other valuable consideration for any firearm when any part of the transaction is conducted on property to which the public has the right of access. Holders of a concealed weapons permit as prescribed by general law shall not be subject to the provisions of this subsection when purchasing a firearm.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 12, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 6. Schedule to Article VIII.**

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) **COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS.** The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and

beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) **OFFICERS TO CONTINUE IN OFFICE.** Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

(d) **ORDINANCES.** Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.

(e) **CONSOLIDATION AND HOME RULE.** Article VIII, Sections 19, <sup>2</sup>10, <sup>3</sup>11 and <sup>4</sup>24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to <sup>3</sup>Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said <sup>3</sup>Article VIII, Section 11, of the Constitution of 1885, as amended.

(f) **DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES.** To the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

(g) **DELETION OF OBSOLETE SCHEDULE ITEMS.** The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

<sup>1</sup>**Note.**—Section 9 of Art. VIII of the Constitution of 1885, as amended, reads as follows:

**SECTION 9.** Legislative power over city of Jacksonville and Duval County.—The Legislature shall have power to establish, alter or abolish, a Municipal corporation to be known as the City of Jacksonville, extending territorially throughout the present limits of Duval County, in the place of any or all county, district, municipal and local governments, boards, bodies and officers, constitutional or statutory, legislative, executive, judicial, or administrative, and shall prescribe the jurisdiction, powers, duties and functions of such municipal corporation, its legislative, executive, judicial and administrative departments and its

boards, bodies and officers; to divide the territory included in such municipality into subordinate districts, and to prescribe a just and reasonable system of taxation for such municipality and districts; and to fix the liability of such municipality and districts. Bonded and other indebtedness, existing at the time of the establishment of such municipality, shall be enforceable only against property theretofore taxable therefor. The Legislature shall, from time to time, determine what portion of said municipality is a rural area, and a homestead in such rural area shall not be limited as if in a city or town. Such municipality may exercise all the powers of a municipal corporation and shall also be recognized as one of the legal political divisions of the State with the duties and obligations of a county and shall be entitled to all the powers, rights and privileges, including representation in the State Legislature, which would accrue to it if it were a county. All property of Duval County and of the municipalities in said county shall vest in such municipal corporation when established as herein provided. The offices of Clerk of the Circuit Court and Sheriff shall not be abolished but the Legislature may prescribe the time when, and the method by which, such offices shall be filled and the compensation to be paid to such officers and may vest in them additional powers and duties. No county office shall be abolished or consolidated with another office without making provision for the performance of all State duties now or hereafter prescribed by law to be performed by such county officer. Nothing contained herein shall affect Section 20 of Article III of the Constitution of the State of Florida, except as to such provisions therein as relate to regulating the jurisdiction and duties of any class of officers, to summoning and impanelling grand and petit jurors, to assessing and collecting taxes for county purposes and to regulating the fees and compensation of county officers. No law authorizing the establishing or abolishing of such Municipal corporation pursuant to this Section, shall become operative or effective until approved by a majority of the qualified electors participating in an election held in said County, but so long as such Municipal corporation exists under this Section the Legislature may amend or extend the law authorizing the same without referendum to the qualified voters unless the Legislative act providing for such amendment or extension shall provide for such referendum.

<sup>1</sup>**History.**—Added, S.J.R. 113, 1933; adopted 1934.

<sup>2</sup>**Note.**—Section 10, Art. VIII of the Constitution of 1885, as amended, reads as follows:

SECTION 10. Legislative power over city of Key West and Monroe county.—The Legislature shall have power to establish, alter or abolish, a Municipal corporation to be known as the City of Key West, extending territorially throughout the present limits of Monroe County, in the place of any or all county, district, municipal and local governments, boards, bodies and officers, constitutional or statutory, legislative, executive, judicial, or administrative, and shall prescribe the jurisdiction, powers, duties and functions of such municipal corporation, its legislative, executive, judicial and administrative departments and its boards, bodies and officers; to divide the territory included in such municipality into subordinate districts, and to prescribe a just and reasonable system of taxation for such municipality and districts; and to fix the liability of such municipality and districts. Bonded and other indebtedness, existing at the time of the establishment of such municipality, shall be enforceable only against property theretofore taxable therefor. The Legislature shall, from time to time, determine what portion of said municipality is a rural area, and a homestead in such rural area shall not be limited as if in a city or town. Such municipality may exercise all the powers of a municipal corporation and shall also be recognized as one of the legal political divisions of the State with the duties and obligations of a county and shall be entitled to all the powers, rights and privileges, including representation in the State Legislature, which would accrue to it if it were a county. All property of Monroe County and of the municipality in said county shall vest in such municipal corporation when established as herein provided. The offices of Clerk of the Circuit Court and Sheriff shall not be abolished but the Legislature may prescribe the time when, and the method by which, such offices shall be filled and the compensation to be paid to such officers and may vest in them additional powers and duties. No county office shall be abolished or consolidated with another office without making provision for the performance of all State duties now or hereafter prescribed by law to be performed by such county officer. Nothing contained herein shall affect Section 20 of Article III of the Constitution of the State of Florida, except as to such provisions therein as relate to regulating the jurisdiction and duties of any class of officers, to summoning and impanelling grand and petit juries, to assessing and collecting taxes for county purposes and to regulating the fees and compensation of county officers. No law authorizing the establishing or abolishing of such Municipal corporation pursuant to this Section shall become operative or effective until approved by a majority of the qualified electors participating in an election held in said County, but so long as such Municipal corporation exists under this Section the Legislature may amend or extend the law

authorizing the same without referendum to the qualified voters unless the Legislative Act providing for such amendment or extension shall provide for such referendum.

<sup>3</sup>**History.**—Added, S.J.R. 429, 1935; adopted 1936.

<sup>3</sup>**Note.**—Section 11 of Art. VIII of the Constitution of 1885, as amended, reads as follows:

SECTION 11. Dade County, home rule charter.—(1) The electors of Dade County, Florida, are granted power to adopt, revise, and amend from time to time a home rule charter of government for Dade County, Florida, under which the Board of County Commissioners of Dade County shall be the governing body. This charter:

(a) Shall fix the boundaries of each county commission district, provide a method for changing them from time to time, and fix the number, terms and compensation of the commissioners, and their method of election.

(b) May grant full power and authority to the Board of County Commissioners of Dade County to pass ordinances relating to the affairs, property and government of Dade County and provide suitable penalties for the violation thereof; to levy and collect such taxes as may be authorized by general law and no other taxes, and to do everything necessary to carry on a central metropolitan government in Dade County.

(c) May change the boundaries of, merge, consolidate, and abolish and may provide a method for changing the boundaries of, merging, consolidating and abolishing from time to time all municipal corporations, county or district governments, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County, whether such governmental units are created by the Constitution or the Legislature or otherwise, except the Dade County Board of County Commissioners as it may be provided for from time to time by this home rule charter and the Board of Public Instruction of Dade County.

(d) May provide a method by which any and all of the functions or powers of any municipal corporation or other governmental unit in Dade County may be transferred to the Board of County Commissioners of Dade County.

(e) May provide a method for establishing new municipal corporations, special taxing districts, and other governmental units in Dade County from time to time and provide for their government and prescribe their jurisdiction and powers.

(f) May abolish and may provide a method for abolishing from time to time all offices provided for by Article VIII, Section 6, of the Constitution or by the Legislature, except the Superintendent of Public Instruction and may provide for the consolidation and transfer of the functions of such offices, provided, however, that there shall be no power to abolish or impair the jurisdiction of the Circuit Court or to abolish any other court provided for by this Constitution or by general law, or the judges or clerks thereof although such charter may create new courts and judges and clerks thereof with jurisdiction to try all offenses against ordinances passed by the Board of County Commissioners of Dade County and none of the other courts provided for by this Constitution or by general law shall have original jurisdiction to try such offenses, although the charter may confer appellate jurisdiction on such courts, and provided further that if said home rule charter shall abolish any county office or offices as authorized herein, that said charter shall contain adequate provision for the carrying on of all functions of said office or offices as are now or may hereafter be prescribed by general law.

(g) Shall provide a method by which each municipal corporation in Dade County shall have the power to make, amend or repeal its own charter. Upon adoption of this home rule charter by the electors this method shall be exclusive and the Legislature shall have no power to amend or repeal the charter of any municipal corporation in Dade County.

(h) May change the name of Dade County.

(i) Shall provide a method for the recall of any commissioner and a method for initiative and referendum, including the initiation of and referendum on ordinances and the amendment or revision of the home rule charter, provided, however, that the power of the Governor and Senate relating to the suspension and removal of officers provided for in this Constitution shall not be impaired, but shall extend to all officers provided for in said home rule charter.

(2) Provision shall be made for the protection of the creditors of any governmental unit which is merged, consolidated, or abolished or whose boundaries are changed or functions or powers transferred.

(3) This home rule charter shall be prepared by a Metropolitan Charter Board created by the Legislature and shall be presented to the electors of Dade County for ratification or rejection in the manner provided by the Legislature. Until a home rule charter is adopted the Legislature may from time to time create additional Charter Boards to prepare charters to be presented to the electors of Dade County for ratification or rejection in the manner provided by the Legislature. Such Charter, once adopted by the electors, may be amended only by the electors of Dade County and this charter shall provide a

method for submitting future charter revisions and amendments to the electors of Dade County.

(4) The County Commission shall continue to receive its pro rata share of all revenues payable by the state from whatever source to the several counties and the state of Florida shall pay to the Commission all revenues which would have been paid to any municipality in Dade County which may be abolished by or in the method provided by this home rule charter; provided, however, the Commission shall reimburse the comptroller of Florida for the expense incurred if any, in the keeping of separate records to determine the amounts of money which would have been payable to any such municipality.

(5) Nothing in this section shall limit or restrict the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties in the state of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida, and the home rule charter provided for herein shall not conflict with any provision of this Constitution nor of any applicable general laws now applying to Dade County and any other one or more counties of the State of Florida except as expressly authorized in this section nor shall any ordinance enacted in pursuance to said home rule charter conflict with this Constitution or any such applicable general law except as expressly authorized herein, nor shall the charter of any municipality in Dade County conflict with this Constitution or any such applicable general law except as expressly authorized herein, provided however that said charter and said ordinances enacted in pursuance thereof may conflict with, modify or nullify any existing local, special or general law applicable only to Dade County.

(6) Nothing in this section shall be construed to limit or restrict the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties of the state of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida relating to county or municipal affairs and all such general laws shall apply to Dade County and to all municipalities therein to the same extent as if this section had not been adopted and such general laws shall supersede any part or portion of the home rule charter provided for herein in conflict therewith and shall supersede any provision of any ordinance enacted pursuant to said charter and in conflict therewith, and shall supersede any provision of any charter of any municipality in Dade County in conflict therewith.

(7) Nothing in this section shall be construed to limit or restrict the power and jurisdiction of the Railroad and Public Utilities Commission or of any other state agency, bureau or commission now or hereafter provided for in this Constitution or by general law and said state agencies, bureaus and commissions shall have the same powers in Dade County as shall be conferred upon them in regard to other counties.

(8) If any section, subsection, sentence, clause or provisions of this section is held invalid as violative of the provisions of Section 1 Article XVII of this Constitution the remainder of this section shall not be affected by such invalidity.

(9) It is declared to be the intent of the Legislature and of the electors of the State of Florida to provide by this section home rule for the people of Dade County in local affairs and this section shall be liberally construed to carry out such purpose, and it is further declared to be the intent of the Legislature and of the electors of the State of Florida that the provisions of this Constitution and general laws which shall relate to Dade County and any other one or more counties of the State of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida enacted pursuant thereto by the Legislature shall be the supreme law in Dade County, Florida, except as expressly provided herein and this section shall be strictly construed to maintain such supremacy of this Constitution and of the Legislature in the enactment of general laws pursuant to this Constitution.

**History.**—Added, H.J.R. 858, 1941; adopted 1942; Am. S.J.R. 1046, 1955; adopted 1956.

**Note.**—Section 24 of Art. VIII of the Constitution of 1885, as amended, reads as follows:

SECTION 24. Hillsborough County, home rule charter.—

(1) The electors of Hillsborough county are hereby granted the power to adopt a charter for a government which shall exercise any and all powers for county and municipal purposes which this constitution or the legislature, by general, special or local law, has conferred upon Hillsborough county or any municipality therein. Such government shall exercise these powers by the enactment of ordinances which relate to government of Hillsborough county and provide suitable penalties for the violation thereof. Such government shall have no power to create or abolish any municipality, except as otherwise provided herein.

(2) The method and manner by which the electors of Hillsborough county shall exercise this power shall be set forth in a charter for the government of Hillsborough county which charter shall be presented to said electors by any charter commission established by the legislature. The legislature may

provide for the continuing existence of any charter commission or may establish a charter commission or commissions subsequent to any initial commission without regard to any election or elections held upon any charter or charters theretofore presented. A charter shall become effective only upon ratification by a majority of the electors of Hillsborough county voting in a general or special election as provided by law.

(3) The number, qualifications, terms of office and method of filling vacancies in the membership of any charter commission established pursuant to this section and the powers, functions and duties of any such commission shall be provided by law.

(4) A charter prepared by any commission established pursuant to this section shall provide that:

(a) The governments of the city of Tampa and the county of Hillsborough shall be consolidated, and the structure of the new local government shall include:

1. An executive branch, the chief officer of which shall be responsible for the administration of government.

2. An elected legislative branch, the election to membership, powers and duties of which shall be as provided by the charter.

3. A judicial branch, which shall only have jurisdiction in the enforcement of ordinances enacted by the legislative branch created by this section.

(b) Should the electors of the municipalities of Plant City or Temple Terrace wish to consolidate their governments with the government hereinabove created, they may do so by majority vote of the electors of said municipality voting in an election upon said issue.

(c) The creditors of any governmental unit consolidated or abolished under this section shall be protected. Bonded or other indebtedness existing at the effective date of any government established hereunder shall be enforceable only against the real and personal property theretofore taxable for such purposes.

(d) Such other provisions as might be required by law.

(5) The provisions of such charter and ordinances enacted pursuant thereto shall not conflict with any provision of this constitution nor with general, special or local laws now or hereafter applying to Hillsborough county.

(6) The government established hereunder shall be recognized as a county, that is one of the legal political subdivisions of the state with the powers, rights, privileges, duties and obligations of a county, and may also exercise all the powers of a municipality. Said government shall have the right to sue and be sued.

(7) Any government established hereunder shall be entitled to receive from the state of Florida or from the United States or from any other agency, public or private, funds and revenues to which a county is, or may hereafter be entitled, and also all funds and revenues to which an incorporated municipality is or may hereafter be entitled, and to receive the same without diminution or loss by reason of any such government as may be established. Nothing herein contained shall preclude such government as may be established hereunder from receiving all funds and revenues from whatever source now received, or hereinafter received provided by law.

(8) The board of county commissioners of Hillsborough county shall be abolished when the functions, duties, powers and responsibilities of said board shall be transferred in the manner to be provided by the charter to the government established pursuant to this section. No other office provided for by this constitution shall be abolished by or pursuant to this section.

(9) This section shall not restrict or limit the legislature in the enactment of general, special or local laws as otherwise provided in this constitution.

**History.**—Added, C.S. for H.J.R. 1987, 1965; adopted 1966.

## ARTICLE IX

### EDUCATION

#### Sec.

1. Public education.
2. State board of education.
3. Terms of appointive board members.
4. School districts; school boards.
5. Superintendent of schools.
6. State school fund.
7. State University System.

**SECTION 1. Public education.—**

(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require. To assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that, by the beginning of the 2010 school year, there are a sufficient number of classrooms so that:

(1) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for prekindergarten through grade 3 does not exceed 18 students;

(2) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and

(3) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students.

The class size requirements of this subsection do not apply to extracurricular classes. Payment of the costs associated with reducing class size to meet these requirements is the responsibility of the state and not of local schools districts. Beginning with the 2003-2004 fiscal year, the legislature shall provide sufficient funds to reduce the average number of students in each classroom by at least two students per year until the maximum number of students per classroom does not exceed the requirements of this subsection.

(b) Every four-year old child in Florida shall be provided by the State a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such

other skills as the Legislature may determine to be appropriate.

(c) The early childhood education and development programs provided by reason of subparagraph (b) shall be implemented no later than the beginning of the 2005 school year through funds generated in addition to those used for existing education, health, and development programs. Existing education, health, and development programs are those funded by the State as of January 1, 2002 that provided for child or adult education, health care, or development.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 6, 1998, filed with the Secretary of State May 5, 1998; adopted 1998; Ams. by Initiative Petitions filed with the Secretary of State July 30, 2002, and August 1, 2002; adopted 2002.

**SECTION 2. State board of education.**

The state board of education shall be a body corporate and have such supervision of the system of free public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 3. Terms of appointive board members.**—Members of any appointive board dealing with education may serve terms in excess of four years as provided by law.

**SECTION 4. School districts; school boards.—**

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance joint educational programs.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 5. Superintendent of schools.**—In each school district there shall be a superintendent of schools who shall be

elected at the general election in each year the number of which is a multiple of four for a term of four years; or, when provided by resolution of the district school board, or by special law, approved by vote of the electors, the district school superintendent in any school district shall be employed by the district school board as provided by general law. The resolution or special law may be rescinded or repealed by either procedure after four years.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 6. State school fund.**—The income derived from the state school fund shall, and the principal of the fund may, be appropriated, but only to the support and maintenance of free public schools.

**SECTION 7. State University System.**

(a) **PURPOSES.** In order to achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida's citizens, their communities and economies, the people hereby establish a system of governance for the state university system of Florida.

(b) **STATE UNIVERSITY SYSTEM.**

There shall be a single state university system comprised of all public universities. A board of trustees shall administer each public university and a board of governors shall govern the state university system.

(c) **LOCAL BOARDS OF TRUSTEES.**

Each local constituent university shall be administered by a board of trustees consisting of thirteen members dedicated to the purposes of the state university system. The board of governors shall establish the powers and duties of the boards of trustees. Each board of trustees shall consist of six citizen members appointed by the governor and five citizen members appointed by the board of governors. The appointed members shall be confirmed by the senate and serve staggered terms of five years as provided by law. The chair of the faculty senate, or the equivalent, and the president of the student body of the university shall also be members.

(d) **STATEWIDE BOARD OF GOVERNORS.** The board of governors shall be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole university system. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding

wasteful duplication of facilities or programs. The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law. The governor shall appoint to the board fourteen citizens dedicated to the purposes of the state university system. The appointed members shall be confirmed by the senate and serve staggered terms of seven years as provided by law. The commissioner of education, the chair of the advisory council of faculty senates, or the equivalent, and the president of the Florida student association, or the equivalent, shall also be members of the board.

**History.**—Proposed by Initiative Petition filed with the Secretary of State August 6, 2002; adopted 2002.

**ARTICLE X**

**MISCELLANEOUS**

Sec.

1. Amendments to United States Constitution.
2. Militia.
3. Vacancy in office.
4. Homestead; exemptions.
5. Coverture and property.
6. Eminent domain.
7. Lotteries.
8. Census.
9. Repeal of criminal statutes.
10. Felony; definition.
11. Sovereignty lands.
12. Rules of construction.
13. Suits against the state.
14. State retirement systems benefit changes.
15. State operated lotteries.
16. Limiting marine net fishing.
17. Everglades Trust Fund.
18. Disposition of conservation lands.
19. High speed ground transportation system.
20. Workplaces without tobacco smoke.
21. Limiting cruel and inhumane confinement of pigs during pregnancy.
22. Parental notice of termination of a minor's pregnancy.
23. Slot machines.
24. Florida minimum wage.
25. Patients' right to know about adverse medical incidents.
26. Prohibition of medical license after repeated medical malpractice.
27. Comprehensive Statewide Tobacco Education And Prevention Program.
28. Land Acquisition Trust Fund.

**SECTION 1. Amendments to United States Constitution.**—The legislature shall not take action on any proposed amendment to the constitution of the United States unless a majority of the members thereof have been elected after the proposed amendment has been submitted for ratification.

**SECTION 2. Militia.**—

(a) The militia shall be composed of all ablebodied inhabitants of the state who are or have declared their intention to become citizens of the United States; and no person because of religious creed or opinion shall be exempted from military duty except upon conditions provided by law.

(b) The organizing, equipping, housing, maintaining, and disciplining of the militia, and the safekeeping of public arms may be provided for by law.

(c) The governor shall appoint all commissioned officers of the militia, including an adjutant general who shall be chief of staff. The appointment of all general officers shall be subject to confirmation by the senate.

(d) The qualifications of personnel and officers of the federally recognized national guard, including the adjutant general, and the grounds and proceedings for their discipline and removal shall conform to the appropriate United States army or air force regulations and usages.

**SECTION 3. Vacancy in office.**—Vacancy in office shall occur upon the creation of an office, upon the death, removal from office, or resignation of the incumbent or the incumbent's succession to another office, unexplained absence for sixty consecutive days, or failure to maintain the residence required when elected or appointed, and upon failure of one elected or appointed to office to qualify within thirty days from the commencement of the term.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 4. Homestead; exemptions.**

(a) There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvement or repair thereof, or obligations contracted for house, field or other labor performed on the realty, the following property owned by a natural person:

(1) a homestead, if located outside a municipality, to the extent of one hundred sixty acres of contiguous land and improvements thereon, which shall not be reduced

without the owner's consent by reason of subsequent inclusion in a municipality; or if located within a municipality, to the extent of one-half acre of contiguous land, upon which the exemption shall be limited to the residence of the owner or the owner's family;

(2) personal property to the value of one thousand dollars.

(b) These exemptions shall inure to the surviving spouse or heirs of the owner.

(c) The homestead shall not be subject to devise if the owner is survived by spouse or minor child, except the homestead may be devised to the owner's spouse if there be no minor child. The owner of homestead real estate, joined by the spouse if married, may alienate the homestead by mortgage, sale or gift and, if married, may by deed transfer the title to an estate by the entirety with the spouse. If the owner or spouse is incompetent, the method of alienation or encumbrance shall be as provided by law.

**History.**—Am. H.J.R. 4324, 1972; adopted 1972; Am. H.J.R. 40, 1983; adopted 1984; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 5. Coverture and property.**

There shall be no distinction between married women and married men in the holding, control, disposition, or encumbering of their property, both real and personal; except that dower or curtesy may be established and regulated by law.

**SECTION 6. Eminent domain.**—

(a) No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.

(b) Provision may be made by law for the taking of easements, by like proceedings, for the drainage of the land of one person over or through the land of another.

(c) Private property taken by eminent domain pursuant to a petition to initiate condemnation proceedings filed on or after January 2, 2007, may not be conveyed to a natural person or private entity except as provided by general law passed by a three-fifths vote of the membership of each house of the Legislature.

**History.**—Am. H.J.R. 1569, 2006; adopted 2006.

**SECTION 7. Lotteries.**—Lotteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution, are hereby prohibited in this state.

**SECTION 8. Census.—**

(a) Each decennial census of the state taken by the United States shall be an official census of the state.

(b) Each decennial census, for the purpose of classifications based upon population, shall become effective on the thirtieth day after the final adjournment of the regular session of the legislature convened next after certification of the census.

**SECTION 9. Repeal of criminal statutes.—**Repeal or amendment of a criminal statute shall not affect prosecution or punishment for any crime previously committed.

**SECTION 10. Felony; definition.—**The term “felony” as used herein and in the laws of this state shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or by imprisonment in the state penitentiary.

**SECTION 11. Sovereignty lands.—**The title to lands under navigable waters, within the boundaries of the state, which have not been alienated, including beaches below mean high water lines, is held by the state, by virtue of its sovereignty, in trust for all the people. Sale of such lands may be authorized by law, but only when in the public interest. Private use of portions of such lands may be authorized by law, but only when not contrary to the public interest.

**History.—**Am. H.J.R. 792, 1970; adopted 1970.

**SECTION 12. Rules of construction.—**Unless qualified in the text the following rules of construction shall apply to this constitution.

(a) “Herein” refers to the entire constitution.

(b) The singular includes the plural.

(c) The masculine includes the feminine.

(d) “Vote of the electors” means the vote of the majority of those voting on the matter in an election, general or special, in which those participating are limited to the electors of the governmental unit referred to in the text.

(e) Vote or other action of a legislative house or other governmental body means the vote or action of a majority or other specified percentage of those members voting on the matter. “Of the membership” means “of all members thereof.”

(f) The terms “judicial office,” “justices” and “judges” shall not include judges of courts established solely for the trial of violations of ordinances.

(g) “Special law” means a special or local law.

(h) Titles and subtitles shall not be used in construction.

**SECTION 13. Suits against the state.** Provision may be made by general law for bringing suit against the state as to all liabilities now existing or hereafter originating.

**SECTION 14. State retirement systems benefit changes.—**A governmental unit responsible for any retirement or pension system supported in whole or in part by public funds shall not after January 1, 1977, provide any increase in the benefits to the members or beneficiaries of such system unless such unit has made or concurrently makes provision for the funding of the increase in benefits on a sound actuarial basis.

**History.—**Added, H.J.R. 291, 1975; adopted 1976.

**SECTION 15. State operated lotteries.**

(a) Lotteries may be operated by the state.

(b) If any subsection or subsections of the amendment to the Florida Constitution are held unconstitutional for containing more than one subject, this amendment shall be limited to subsection (a) above.

(c) This amendment shall be implemented as follows:

(1) Schedule—On the effective date of this amendment, the lotteries shall be known as the Florida Education Lotteries. Net proceeds derived from the lotteries shall be deposited to a state trust fund, to be designated The State Education Lotteries Trust Fund, to be appropriated by the Legislature. The schedule may be amended by general law.

**History.—**Proposed by Initiative Petition filed with the Secretary of State June 10, 1985; adopted 1986.

**SECTION 16. Limiting marine net fishing.—**

(a) The marine resources of the State of Florida belong to all of the people of the state and should be conserved and managed for the benefit of the state, its people, and future generations. To this end the people hereby enact limitations on marine net fishing in Florida waters to protect saltwater finfish, shellfish, and other marine animals from unnecessary killing, overfishing and waste.

(b) For the purpose of catching or taking any saltwater finfish, shellfish or other marine animals in Florida waters:

(1) No gill nets or other entangling nets shall be used in any Florida waters; and

(2) In addition to the prohibition set forth in (1), no other type of net containing more than 500 square feet of mesh area shall be used in nearshore and inshore Florida waters. Additionally, no more than two such nets, which

shall not be connected, shall be used from any vessel, and no person not on a vessel shall use more than one such net in nearshore and inshore Florida waters.

(c) For purposes of this section:

(1) "gill net" means one or more walls of netting which captures saltwater finfish by ensnaring or entangling them in the meshes of the net by the gills, and "entangling net" means a drift net, trammell net, stab net, or any other net which captures saltwater finfish, shellfish, or other marine animals by causing all or part of heads, fins, legs, or other body parts to become entangled or ensnared in the meshes of the net, but a hand thrown cast net is not a gill net or an entangling net;

(2) "mesh area" of a net means the total area of netting with the meshes open to comprise the maximum square footage. The square footage shall be calculated using standard mathematical formulas for geometric shapes. Seines and other rectangular nets shall be calculated using the maximum length and maximum width of the netting. Trawls and other bag type nets shall be calculated as a cone using the maximum circumference of the net mouth to derive the radius, and the maximum length from the net mouth to the tail end of the net to derive the slant height. Calculations for any other nets or combination type nets shall be based on the shapes of the individual components;

(3) "coastline" means the territorial sea base line for the State of Florida established pursuant to the laws of the United States of America;

(4) "Florida waters" means the waters of the Atlantic Ocean, the Gulf of Mexico, the Straits of Florida, and any other bodies of water under the jurisdiction of the State of Florida, whether coastal, intracoastal or inland, and any part thereof; and

(5) "nearshore and inshore Florida waters" means all Florida waters inside a line three miles seaward of the coastline along the Gulf of Mexico and inside a line one mile seaward of the coastline along the Atlantic Ocean.

(d) This section shall not apply to the use of nets for scientific research or governmental purposes.

(e) Persons violating this section shall be prosecuted and punished pursuant to the penalties provided in section 370.021(2)(a), (b),(c)6. and 7., and (e), Florida Statutes (1991), unless and until the legislature enacts more stringent penalties for violations hereof. On and after the effective date of this section, law enforcement officers in the state are authorized to enforce the provisions of this section in the same manner and authority as if

a violation of this section constituted a violation of Chapter 370, Florida Statutes (1991).

(f) It is the intent of this section that implementing legislation is not required for enforcing any violations hereof, but nothing in this section prohibits the establishment by law or pursuant to law of more restrictions on the use of nets for the purpose of catching or taking any saltwater finfish, shellfish, or other marine animals.

(g) If any portion of this section is held invalid for any reason, the remaining portion of this section, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

(h) This section shall take effect on the July 1 next occurring after approval hereof by vote of the electors.

**History.**—Proposed by Initiative Petition filed with the Secretary of State October 2, 1992; adopted 1994.

### SECTION 17. Everglades Trust Fund.

(a) There is hereby established the Everglades Trust Fund, which shall not be subject to termination pursuant to Article III, Section 19(f). The purpose of the Everglades Trust Fund is to make funds available to assist in conservation and protection of natural resources and abatement of water pollution in the Everglades Protection Area and the Everglades Agricultural Area. The trust fund shall be administered by the South Florida Water Management District, or its successor agency, consistent with statutory law.

(b) The Everglades Trust Fund may receive funds from any source, including gifts from individuals, corporations or other entities; funds from general revenue as determined by the Legislature; and any other funds so designated by the Legislature, by the United States Congress or by any other governmental entity.

(c) Funds deposited to the Everglades Trust Fund shall be expended for purposes of conservation and protection of natural resources and abatement of water pollution in the Everglades Protection Area and Everglades Agricultural Area.

(d) For purposes of this subsection, the terms "Everglades Protection Area," "Everglades Agricultural Area" and "South Florida Water Management District" shall have the meanings as defined in statutes in effect on January 1, 1996.

**History.**—Proposed by Initiative Petition filed with the Secretary of State March 26, 1996; adopted 1996.

**SECTION 18. Disposition of conservation lands.**—The fee interest in real property held by an entity of the state and designated for natural resources conservation purposes as provided by general law shall be managed

for the benefit of the citizens of this state and may be disposed of only if the members of the governing board of the entity holding title determine the property is no longer needed for conservation purposes and only upon a vote of two-thirds of the governing board.

**History.**—Proposed by Constitution Revision Commission, Revision No. 5, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 19. High speed ground transportation system.**—To reduce traffic congestion and provide alternatives to the traveling public, it is hereby declared to be in the public interest that a high speed ground transportation system consisting of a monorail, fixed guideway or magnetic levitation system, capable of speeds in excess of 120 miles per hour, be developed and operated in the State of Florida to provide high speed ground transportation by innovative, efficient and effective technologies consisting of dedicated rails or guideways separated from motor vehicular traffic that will link the five largest urban areas of the State as determined by the Legislature and provide for access to existing air and ground transportation facilities and services. The Legislature, the Cabinet and the Governor are hereby directed to proceed with the development of such a system by the State and/or by a private entity pursuant to state approval and authorization, including the acquisition of right-of-way, the financing of design and construction of the system, and the operation of the system, as provided by specific appropriation and by law, with construction to begin on or before November 1, 2003.

**History.**—Proposed by Initiative Petition filed with the Secretary of State September 3, 1999; adopted 2000; Am. proposed by Initiative Petition filed with the Secretary of State February 18, 2004; adopted 2004.

**Note.**—This section was repealed effective January 4, 2005, by Am. proposed by Initiative Petition filed with the Secretary of State February 18, 2004; adopted 2004. See s. 5(e), Art. XI, State Constitution, for constitutional effective date.

**SECTION 20. Workplaces without tobacco smoke.**—

(a) **PROHIBITION.** As a Florida health initiative to protect people from the health hazards of second-hand tobacco smoke, tobacco smoking is prohibited in enclosed indoor workplaces.

(b) **EXCEPTIONS.** As further explained in the definitions below, tobacco smoking may be permitted in private residences whenever they are not being used commercially to provide child care, adult care, or health care, or any combination thereof; and further may be permitted in retail tobacco shops, designated smoking guest rooms at hotels and other public lodging establishments; and stand-alone bars. However, nothing in this section or in its implementing legislation or

regulations shall prohibit the owner, lessee, or other person in control of the use of an enclosed indoor workplace from further prohibiting or limiting smoking therein.

(c) **DEFINITIONS.** For purposes of this section, the following words and terms shall have the stated meanings:

(1) “Smoking” means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product.

(2) “Second-hand smoke,” also known as environmental tobacco smoke (ETS), means smoke emitted from lighted, smoldering, or burning tobacco when the smoker is not inhaling; smoke emitted at the mouthpiece during puff drawing; and smoke exhaled by the smoker.

(3) “Work” means any person’s providing any employment or employment-type service for or at the request of another individual or individuals or any public or private entity, whether for compensation or not, whether full or part-time, whether legally or not. “Work” includes, without limitation, any such service performed by an employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant, volunteer, and the like.

(4) “Enclosed indoor workplace” means any place where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers, regardless of whether such barriers consist of or include uncovered openings, screened or otherwise partially covered openings; or open or closed windows, жалousies, doors, or the like. This section applies to all such enclosed indoor workplaces without regard to whether work is occurring at any given time.

(5) “Commercial” use of a private residence means any time during which the owner, lessee, or other person occupying or controlling the use of the private residence is furnishing in the private residence, or causing or allowing to be furnished in the private residence, child care, adult care, or health care, or any combination thereof, and receiving or expecting to receive compensation therefor.

(6) “Retail tobacco shop” means any enclosed indoor workplace dedicated to or predominantly for the retail sale of tobacco, tobacco products, and accessories for such products, in which the sale of other products or services is merely incidental.

(7) “Designated smoking guest rooms at public lodging establishments” means the sleeping rooms and directly associated private areas, such as bathrooms, living rooms,

and kitchen areas, if any, rented to guests for their exclusive transient occupancy in public lodging establishments including hotels, motels, resort condominiums, transient apartments, transient lodging establishments, rooming houses, boarding houses, resort dwellings, bed and breakfast inns, and the like; and designated by the person or persons having management authority over such public lodging establishment as rooms in which smoking may be permitted.

(8) "Stand-alone bar" means any place of business devoted during any time of operation predominantly or totally to serving alcoholic beverages, intoxicating beverages, or intoxicating liquors, or any combination thereof, for consumption on the licensed premises; in which the serving of food, if any, is merely incidental to the consumption of any such beverage; and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace including any business for which the sale of food or any other product or service is more than an incidental source of gross revenue.

(d) LEGISLATION. In the next regular legislative session occurring after voter approval of this amendment, the Florida Legislature shall adopt legislation to implement this amendment in a manner consistent with its broad purpose and stated terms, and having an effective date no later than July 1 of the year following voter approval. Such legislation shall include, without limitation, civil penalties for violations of this section; provisions for administrative enforcement; and the requirement and authorization of agency rules for implementation and enforcement. Nothing herein shall preclude the Legislature from enacting any law constituting or allowing a more restrictive regulation of tobacco smoking than is provided in this section.

**History.**—Proposed by Initiative Petition filed with the Secretary of State May 10, 2002; adopted 2002.

**1SECTION 21. Limiting cruel and inhumane confinement of pigs during pregnancy.**—Inhumane treatment of animals is a concern of Florida citizens. To prevent cruelty to certain animals and as recommended by The Humane Society of the United States, the people of the State of Florida hereby limit the cruel and inhumane confinement of pigs during pregnancy as provided herein.

(a) It shall be unlawful for any person to confine a pig during pregnancy in an enclosure, or to tether a pig during pregnancy, on a farm in such a way that she is prevented from turning around freely.

(b) This section shall not apply:

(1) when a pig is undergoing an examination, test, treatment or operation carried out

for veterinary purposes, provided the period during which the animal is confined or tethered is not longer than reasonably necessary.

(2) during the prebirthing period.

(c) For purposes of this section:

(1) "enclosure" means any cage, crate or other enclosure in which a pig is kept for all or the majority of any day, including what is commonly described as the "gestation crate."

(2) "farm" means the land, buildings, support facilities, and other appurtenances used in the production of animals for food or fiber.

(3) "person" means any natural person, corporation and/or business entity.

(4) "pig" means any animal of the porcine species.

(5) "turning around freely" means turning around without having to touch any side of the pig's enclosure.

(6) "prebirthing period" means the seven day period prior to a pig's expected date of giving birth.

(d) A person who violates this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082(4)(a), Florida Statutes (1999), as amended, or by a fine of not more than \$5000, or by both imprisonment and a fine, unless and until the legislature enacts more stringent penalties for violations hereof. On and after the effective date of this section, law enforcement officers in the state are authorized to enforce the provisions of this section in the same manner and authority as if a violation of this section constituted a violation of Section 828.13, Florida Statutes (1999). The confinement or tethering of each pig shall constitute a separate offense. The knowledge or acts of agents and employees of a person in regard to a pig owned, farmed or in the custody of a person, shall be held to be the knowledge or act of such person.

(e) It is the intent of this section that implementing legislation is not required for enforcing any violations hereof.

(f) If any portion of this section is held invalid for any reason, the remaining portion of this section, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

(g) This section shall take effect six years after approval by the electors.

**History.**—Proposed by Initiative Petition filed with the Secretary of State August 5, 2002; adopted 2002.

**1Note.**—This section, originally designated section 19 by Amendment No. 10, 2002, proposed by Initiative Petition filed with the Secretary of State August 5, 2002, adopted 2002, was redesignated section 21 by the editors in order to avoid confusion with already existing section 19, relating to the high speed ground transportation system, and section 20, relating to prohibiting workplace smoking, as contained in Amendment No. 6, proposed by Initiative Petition filed with the Secretary of State May 10, 2002, and adopted in 2002.

**SECTION 22. Parental notice of termination of a minor's pregnancy.**—The Legislature shall not limit or deny the privacy right guaranteed to a minor under the United States Constitution as interpreted by the United States Supreme Court. Notwithstanding a minor's right of privacy provided in Section 23 of Article I, the Legislature is authorized to require by general law for notification to a parent or guardian of a minor before the termination of the minor's pregnancy. The Legislature shall provide exceptions to such requirement for notification and shall create a process for judicial waiver of the notification.

**History.**—Added, H.J.R. 1, 2004; adopted 2004.

**1SECTION 23. Slot machines.**—

(a) After voter approval of this constitutional amendment, the governing bodies of Miami-Dade and Broward Counties each may hold a county-wide referendum in their respective counties on whether to authorize slot machines within existing, licensed parimutuel facilities (thoroughbred and harness racing, greyhound racing, and jai-alai) that have conducted live racing or games in that county during each of the last two calendar years before the effective date of this amendment. If the voters of such county approve the referendum question by majority vote, slot machines shall be authorized in such parimutuel facilities. If the voters of such county by majority vote disapprove the referendum question, slot machines shall not be so authorized, and the question shall not be presented in another referendum in that county for at least two years.

(b) In the next regular Legislative session occurring after voter approval of this constitutional amendment, the Legislature shall adopt legislation implementing this section and having an effective date no later than July 1 of the year following voter approval of this amendment. Such legislation shall authorize agency rules for implementation, and may include provisions for the licensure and regulation of slot machines. The Legislature may tax slot machine revenues, and any such taxes must supplement public education funding statewide.

(c) If any part of this section is held invalid for any reason, the remaining portion or portions shall be severed from the invalid portion and given the fullest possible force and effect.

(d) This amendment shall become effective when approved by vote of the electors of the state.

**History.**—Proposed by Initiative Petition filed with the Secretary of State May 28, 2002; adopted 2004.

**Note.**—This section, originally designated section 19 by Amendment No. 4, 2004, proposed by Initiative Petition filed with the Secretary of State May 28, 2002, adopted 2004, was

redesignated section 23 by the editors in order to avoid confusion with already existing section 19, relating to the high speed ground transportation system.

**SECTION 24. Florida minimum wage.**

(a) **PUBLIC POLICY.** All working Floridians are entitled to be paid a minimum wage that is sufficient to provide a decent and healthy life for them and their families, that protects their employers from unfair low-wage competition, and that does not force them to rely on taxpayer-funded public services in order to avoid economic hardship.

(b) **DEFINITIONS.** As used in this amendment, the terms "Employer," "Employee" and "Wage" shall have the meanings established under the federal Fair Labor Standards Act (FLSA) and its implementing regulations.

(c) **MINIMUM WAGE.** Employers shall pay Employees Wages no less than the Minimum Wage for all hours worked in Florida. Six months after enactment, the Minimum Wage shall be established at an hourly rate of \$6.15. On September 30th of that year and on each following September 30th, the state Agency for Workforce Innovation shall calculate an adjusted Minimum Wage rate by increasing the current Minimum Wage rate by the rate of inflation during the twelve months prior to each September 1st using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index as calculated by the United States Department of Labor. Each adjusted Minimum Wage rate calculated shall be published and take effect on the following January 1st. For tipped Employees meeting eligibility requirements for the tip credit under the FLSA, Employers may credit towards satisfaction of the Minimum Wage tips up to the amount of the allowable FLSA tip credit in 2003.

(d) **RETALIATION PROHIBITED.** It shall be unlawful for an Employer or any other party to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under this amendment. Rights protected under this amendment include, but are not limited to, the right to file a complaint or inform any person about any party's alleged non-compliance with this amendment, and the right to inform any person of his or her potential rights under this amendment and to assist him or her in asserting such rights.

(e) **ENFORCEMENT.** Persons aggrieved by a violation of this amendment may bring a civil action in a court of competent jurisdiction against an Employer or person violating this amendment and, upon prevailing, shall recover the full amount of any back wages unlawfully withheld plus the same

amount as liquidated damages, and shall be awarded reasonable attorney's fees and costs. In addition, they shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement in employment and/or injunctive relief. Any Employer or other person found liable for willfully violating this amendment shall also be subject to a fine payable to the state in the amount of \$1000.00 for each violation. The state attorney general or other official designated by the state legislature may also bring a civil action to enforce this amendment. Actions to enforce this amendment shall be subject to a statute of limitations of four years or, in the case of willful violations, five years. Such actions may be brought as a class action pursuant to Rule 1.220 of the Florida Rules of Civil Procedure.

(f) **ADDITIONAL LEGISLATION, IMPLEMENTATION AND CONSTRUCTION.** Implementing legislation is not required in order to enforce this amendment. The state legislature may by statute establish additional remedies or fines for violations of this amendment, raise the applicable Minimum Wage rate, reduce the tip credit, or extend coverage of the Minimum Wage to employers or employees not covered by this amendment. The state legislature may by statute or the state Agency for Workforce Innovation may by regulation adopt any measures appropriate for the implementation of this amendment. This amendment provides for payment of a minimum wage and shall not be construed to preempt or otherwise limit the authority of the state legislature or any other public body to adopt or enforce any other law, regulation, requirement, policy or standard that provides for payment of higher or supplemental wages or benefits, or that extends such protections to employers or employees not covered by this amendment. It is intended that case law, administrative interpretations, and other guiding standards developed under the federal FLSA shall guide the construction of this amendment and any implementing statutes or regulations.

(g) **SEVERABILITY.** If any part of this amendment, or the application of this amendment to any person or circumstance, is held invalid, the remainder of this amendment, including the application of such part to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the parts of this amendment are severable.

**History.**—Proposed by Initiative Petition filed with the Secretary of State August 7, 2003; adopted 2004.

**SECTION 25. Patients' right to know about adverse medical incidents.—**

(a) In addition to any other similar rights provided herein or by general law, patients have a right to have access to any records made or received in the course of business by a health care facility or provider relating to any adverse medical incident.

(b) In providing such access, the identity of patients involved in the incidents shall not be disclosed, and any privacy restrictions imposed by federal law shall be maintained.

(c) For purposes of this section, the following terms have the following meanings:

(1) The phrases "health care facility" and "health care provider" have the meaning given in general law related to a patient's rights and responsibilities.

(2) The term "patient" means an individual who has sought, is seeking, is undergoing, or has undergone care or treatment in a health care facility or by a health care provider.

(3) The phrase "adverse medical incident" means medical negligence, intentional misconduct, and any other act, neglect, or default of a health care facility or health care provider that caused or could have caused injury to or death of a patient, including, but not limited to, those incidents that are required by state or federal law to be reported to any governmental agency or body, and incidents that are reported to or reviewed by any health care facility peer review, risk management, quality assurance, credentials, or similar committee, or any representative of any such committees.

(4) The phrase "have access to any records" means, in addition to any other procedure for producing such records provided by general law, making the records available for inspection and copying upon formal or informal request by the patient or a representative of the patient, provided that current records which have been made publicly available by publication or on the Internet may be "provided" by reference to the location at which the records are publicly available.

**History.**—Proposed by Initiative Petition filed with the Secretary of State April 1, 2003; adopted 2004.

**Note.**—

A. This section, originally designated section 22 by Amendment No. 7, 2004, proposed by Initiative Petition filed with the Secretary of State April 1, 2003, adopted 2004, was redesignated section 25 by the editors in order to avoid confusion with section 22, relating to parental notice of termination of a minor's pregnancy, as contained in Amendment No. 1, 2004, added by H.J.R. 1, 2004, adopted 2004.

B. Amendment No. 7, 2004, proposed by Initiative Petition filed with the Secretary of State April 1, 2003, adopted 2004, published "[f]ull [t]ext" consisting of a statement and purpose, the actual amendment "inserting the following new section at the end [of Art. X]," and an effective date and severability provision not specifically included in the amendment text. The effective date and severability provision reads:

3) **Effective Date and Severability:**

This amendment shall be effective on the date it is approved by the electorate. If any portion of this measure is held invalid for any reason, the remaining portion of this measure, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

**SECTION 26. Prohibition of medical license after repeated medical malpractice.—**

(a) No person who has been found to have committed three or more incidents of medical malpractice shall be licensed or continue to be licensed by the State of Florida to provide health care services as a medical doctor.

(b) For purposes of this section, the following terms have the following meanings:

(1) The phrase “medical malpractice” means both the failure to practice medicine in Florida with that level of care, skill, and treatment recognized in general law related to health care providers’ licensure, and any similar wrongful act, neglect, or default in other states or countries which, if committed in Florida, would have been considered medical malpractice.

(2) The phrase “found to have committed” means that the malpractice has been found in a final judgment of a court of law, final administrative agency decision, or decision of binding arbitration.

**History.**—Proposed by Initiative Petition filed with the Secretary of State April 7, 2003; adopted 2004.

**Note.**—

A. This section, originally designated section 20 by Amendment No. 8, 2004, proposed by Initiative Petition filed with the Secretary of State April 7, 2003, adopted 2004, was redesignated section 26 by the editors in order to avoid confusion with already existing section 20, relating to prohibiting workplace smoking.

B. Amendment No. 8, 2004, proposed by Initiative Petition filed with the Secretary of State April 7, 2003, adopted 2004, published “[f]ull [t]ext” consisting of a statement and purpose, the actual amendment “inserting the following new section at the end [of Art. X],” and an effective date and severability provision not specifically included in the amendment text. The effective date and severability provision reads:

c) Effective Date and Severability:

This amendment shall be effective on the date it is approved by the electorate. If any portion of this measure is held invalid for any reason, the remaining portion of this measure, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

**SECTION 27. Comprehensive State-wide Tobacco Education And Prevention Program.—**

In order to protect people, especially youth, from health hazards of using tobacco, including addictive disorders, cancer, cardiovascular diseases, and lung diseases; and to discourage use of tobacco, particularly among youth, a portion of the money that tobacco companies pay to the State of Florida under the Tobacco Settlement each year shall be used to fund a comprehensive statewide tobacco education and prevention program consistent with recommendations of the U.S. Centers for Disease Control and Prevention (CDC), as follows:

(a) PROGRAM. The money appropriated pursuant to this section shall be used to fund a comprehensive statewide tobacco education and prevention program consistent with the recommendations for

effective program components in the 1999 *Best Practices for Comprehensive Tobacco Control Programs* of the CDC, as such *Best Practices* may be amended by the CDC. This program shall include, at a minimum, the following components, and may include additional components that are also contained within the CDC *Best Practices*, as periodically amended, and that are effective at accomplishing the purpose of this section, and that do not undermine the effectiveness of these required minimum components:

(1) an advertising campaign to discourage the use of tobacco and to educate people, especially youth, about the health hazards of tobacco, which shall be designed to be effective at achieving these goals and shall include, but need not be limited to, television, radio, and print advertising, with no limitations on any individual advertising medium utilized; and which shall be funded at a level equivalent to one-third of each total annual appropriation required by this section;

(2) evidence-based curricula and programs to educate youth about tobacco and to discourage their use of it, including, but not limited to, programs that involve youth, educate youth about the health hazards of tobacco, help youth develop skills to refuse tobacco, and demonstrate to youth how to stop using tobacco;

(3) programs of local community-based partnerships that discourage the use of tobacco and work to educate people, especially youth, about the health hazards of tobacco, with an emphasis on programs that involve youth and emphasize the prevention and cessation of tobacco use;

(4) enforcement of laws, regulations, and policies against the sale or other provision of tobacco to minors, and the possession of tobacco by minors; and

(5) publicly-reported annual evaluations to ensure that moneys appropriated pursuant to this section are spent properly, which shall include evaluation of the program’s effectiveness in reducing and preventing tobacco use, and annual recommendations for improvements to enhance the program’s effectiveness, which are to include comparisons to similar programs proven to be effective in other states, as well as comparisons to CDC *Best Practices*, including amendments thereto.

(b) FUNDING. In every year beginning with the calendar year after voters approve this amendment, the Florida Legislature shall appropriate, for the purpose expressed herein, from the total gross funds that tobacco companies pay to the State of Florida under the Tobacco Settlement, an amount equal to fifteen percent of such funds paid to the State

in 2005; and the appropriation required by this section shall be adjusted annually for inflation, using the Consumer Price Index as published by the United States Department of Labor.

(c) DEFINITIONS. "Tobacco" includes, without limitation, tobacco itself and tobacco products that include tobacco and are intended or expected for human use or consumption, including, but not limited to, cigarettes, cigars, pipe tobacco, and smokeless tobacco. The "Tobacco Settlement" means that certain Settlement Agreement dated August 25, 1997, entered into in settlement of the case styled as *State of Florida, et al. v. American Tobacco Company, et al.*, Case No. 95-1466 AH (Fla. 15th Cir. Ct.), as amended by Stipulation of Amendment dated September 11, 1998; and includes any subsequent amendments and successor agreements. "Youth" includes minors and young adults.

(d) EFFECTIVE DATE. This amendment shall become effective immediately upon approval by the voters.

**History.**—Proposed by Initiative Petition filed with the Secretary of State July 20, 2005; adopted 2006.

#### **SECTION 28. Land Acquisition Trust Fund.—**

(a) Effective on July 1 of the year following passage of this amendment by the voters, and for a period of 20 years after that effective date, the Land Acquisition Trust Fund shall receive no less than 33 percent of net revenues derived from the existing excise tax on documents, as defined in the statutes in effect on January 1, 2012, as amended from time to time, or any successor or replacement tax, after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.

(b) Funds in the Land Acquisition Trust Fund shall be expended only for the following purposes:

(1) As provided by law, to finance or refinance: the acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat; wildlife management areas; lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems; lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with

management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.

(2) To pay the debt service on bonds issued pursuant to Article VII, Section 11(e).

(c) The moneys deposited into the Land Acquisition Trust Fund, as defined by the statutes in effect on January 1, 2012, shall not be or become commingled with the general revenue fund of the state.

**History.**—Proposed by Initiative Petition filed with the Secretary of State September 17, 2012; adopted 2014.

### **ARTICLE XI**

#### **AMENDMENTS**

Sec.

1. Proposal by legislature.
2. Revision commission.
3. Initiative.
4. Constitutional convention.
5. Amendment or revision election.
6. Taxation and budget reform commission.
7. Tax or fee limitation.

#### **SECTION 1. Proposal by legislature.**

Amendment of a section or revision of one or more articles, or the whole, of this constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the legislature. The full text of the joint resolution and the vote of each member voting shall be entered on the journal of each house.

#### **SECTION 2. Revision commission.—**

(a) Within thirty days before the convening of the 2017 regular session of the legislature, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

- (1) the attorney general of the state;
- (2) fifteen members selected by the governor;
- (3) nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and
- (4) three members selected by the chief justice of the supreme court of Florida with the advice of the justices.

(b) The governor shall designate one member of the commission as its chair. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chair, adopt its rules of procedure, examine the constitution

of the state, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the custodian of state records its proposal, if any, of a revision of this constitution or any part of it.

**History.**—Am. H.J.R. 1616, 1988; adopted 1988; Am. S.J.R. 210, 1996; adopted 1996; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 3. Initiative.**—The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. It may be invoked by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

**History.**—Am. H.J.R. 2835, 1972; adopted 1972; Am. by Initiative Petition filed with the Secretary of State August 3, 1993; adopted 1994; Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 4. Constitutional convention.**—

(a) The power to call a convention to consider a revision of the entire constitution is reserved to the people. It may be invoked by filing with the custodian of state records a petition, containing a declaration that a constitutional convention is desired, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to fifteen per cent of the votes cast in each such district respectively and in the state as a whole in the last preceding election of presidential electors.

(b) At the next general election held more than ninety days after the filing of such petition there shall be submitted to the electors of the state the question: "Shall a constitutional convention be held?" If a majority voting on the question votes in the affirmative, at the next succeeding general election there shall be elected from each representative district a member of a constitutional convention. On the twenty-first day following that election, the convention shall sit at the capital, elect officers, adopt rules of procedure, judge the election of its membership, and fix a time and place for its future meetings. Not later than ninety days before the next succeeding general election, the convention shall cause to be

filed with the custodian of state records any revision of this constitution proposed by it.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 5. Amendment or revision election.**—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) A proposed amendment or revision of this constitution, or any part of it, by initiative shall be submitted to the electors at the general election provided the initiative petition is filed with the custodian of state records no later than February 1 of the year in which the general election is held.

(c) The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment proposed by initiative pursuant to section 3.

(d) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(e) Unless otherwise specifically provided for elsewhere in this constitution, if the proposed amendment or revision is approved by vote of at least sixty percent of the electors voting on the measure, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

**History.**—Am. H.J.R. 1616, 1988; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998; Am. H.J.R. 571, 2001; adopted 2002; Am. S.J.R. 2394, 2004; adopted 2004; Am. H.J.R. 1723, 2005; adopted 2006.

**SECTION 6. Taxation and budget reform commission.**—

(a) Beginning in 2007 and each twentieth year thereafter, there shall be established a taxation and budget reform commission composed of the following members:

(1) eleven members selected by the governor, none of whom shall be a member of the legislature at the time of appointment.

(2) seven members selected by the speaker of the house of representatives and seven members selected by the president of the senate, none of whom shall be a member of the legislature at the time of appointment.

(3) four non-voting ex officio members, all of whom shall be members of the legislature at the time of appointment. Two of these members, one of whom shall be a member of the minority party in the house of representatives, shall be selected by the speaker of the house of representatives, and two of these members, one of whom shall be a member of the minority party in the senate, shall be selected by the president of the senate.

(b) Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) At its initial meeting, the members of the commission shall elect a member who is not a member of the legislature to serve as chair and the commission shall adopt its rules of procedure. Thereafter, the commission shall convene at the call of the chair. An affirmative vote of two thirds of the full commission shall be necessary for any revision of this constitution or any part of it to be proposed by the commission.

(d) The commission shall examine the state budgetary process, the revenue needs and expenditure processes of the state, the appropriateness of the tax structure of the state, and governmental productivity and efficiency; review policy as it relates to the ability of state and local government to tax and adequately fund governmental operations and capital facilities required to meet the state's needs during the next twenty year period; determine methods favored by the citizens of the state to fund the needs of the state, including alternative methods for raising sufficient revenues for the needs of the state; determine measures that could be instituted to effectively gather funds from existing tax sources; examine constitutional limitations on taxation and expenditures at the state and local level; and review the state's comprehensive planning, budgeting and needs assessment processes to determine whether the resulting information adequately supports a strategic decisionmaking process.

(e) The commission shall hold public hearings as it deems necessary to carry out its responsibilities under this section. The commission shall issue a report of the results of the review carried out, and propose to the legislature any recommended statutory changes related to the taxation or budgetary laws of the state. Not later than one hundred

eighty days prior to the general election in the second year following the year in which the commission is established, the commission shall file with the custodian of state records its proposal, if any, of a revision of this constitution or any part of it dealing with taxation or the state budgetary process.

**History.**—Added, H.J.R. 1616, 1988; adopted 1988; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

#### **SECTION 7. Tax or fee limitation.—**

Notwithstanding Article X, Section 12(d) of this constitution, no new State tax or fee shall be imposed on or after November 8, 1994 by any amendment to this constitution unless the proposed amendment is approved by not fewer than two-thirds of the voters voting in the election in which such proposed amendment is considered. For purposes of this section, the phrase "new State tax or fee" shall mean any tax or fee which would produce revenue subject to lump sum or other appropriation by the Legislature, either for the State general revenue fund or any trust fund, which tax or fee is not in effect on November 7, 1994 including without limitation such taxes and fees as are the subject of proposed constitutional amendments appearing on the ballot on November 8, 1994. This section shall apply to proposed constitutional amendments relating to State taxes or fees which appear on the November 8, 1994 ballot, or later ballots, and any such proposed amendment which fails to gain the two-thirds vote required hereby shall be null, void and without effect.

**History.**—Proposed by Initiative Petition filed with the Secretary of State March 11, 1994; adopted 1996.

## **ARTICLE XII**

### **SCHEDULE**

Sec.

1. Constitution of 1885 superseded.
2. Property taxes; millages.
3. Officers to continue in office.
4. State commissioner of education.
5. Superintendent of schools.
6. Laws preserved.
7. Rights reserved.
8. Public debts recognized.
9. Bonds.
10. Preservation of existing government.
11. Deletion of obsolete schedule items.
12. Senators.
13. Legislative apportionment.
14. Representatives; terms.
15. Special district taxes.
16. Reorganization.
17. Conflicting provisions.

Sec.

18. Bonds for housing and related facilities.
19. Renewable energy source property.
20. Access to public records.
21. State revenue limitation.
22. Historic property exemption and assessment.
23. Fish and wildlife conservation commission.
24. Executive branch reform.
25. Schedule to Article V amendment.
26. Increased homestead exemption.
27. Property tax exemptions and limitations on property tax assessments.
28. Property tax exemption and classification and assessment of land used for conservation purposes.
29. Limitation on the assessed value of real property used for residential purposes.
30. Assessment of working waterfront property.
31. Additional ad valorem tax exemption for certain members of the armed forces deployed on active duty outside of the United States.
32. Veterans disabled due to combat injury; homestead property tax discount.
33. Ad valorem tax relief for surviving spouses of veterans who died from service-connected causes and first responders who died in the line of duty.

**SECTION 1. Constitution of 1885 superseded.**—Articles I through IV, VII, and IX through XX of the Constitution of Florida adopted in 1885, as amended from time to time, are superseded by this revision except those sections expressly retained and made a part of this revision by reference.

**SECTION 2. Property taxes; millages.** Tax millages authorized in counties, municipalities and special districts, on the date this revision becomes effective, may be continued until reduced by law.

**SECTION 3. Officers to continue in office.**—Every person holding office when this revision becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

**SECTION 4. State commissioner of education.**—The state superintendent of public instruction in office on the effective date of this revision shall become and, for the

remainder of the term being served, shall be the commissioner of education.

**SECTION 5. Superintendent of schools.**—

(a) On the effective date of this revision the county superintendent of public instruction of each county shall become and, for the remainder of the term being served, shall be the superintendent of schools of that district.

(b) The method of selection of the county superintendent of public instruction of each county, as provided by or under the Constitution of 1885, as amended, shall apply to the selection of the district superintendent of schools until changed as herein provided.

**SECTION 6. Laws preserved.**—

(a) All laws in effect upon the adoption of this revision, to the extent not inconsistent with it, shall remain in force until they expire by their terms or are repealed.

(b) All statutes which, under the Constitution of 1885, as amended, apply to the state superintendent of public instruction and those which apply to the county superintendent of public instruction shall under this revision apply, respectively, to the state commissioner of education and the district superintendent of schools.

**SECTION 7. Rights reserved.**—

(a) All actions, rights of action, claims, contracts and obligations of individuals, corporations and public bodies or agencies existing on the date this revision becomes effective shall continue to be valid as if this revision had not been adopted. All taxes, penalties, fines and forfeitures owing to the state under the Constitution of 1885, as amended, shall inure to the state under this revision, and all sentences as punishment for crime shall be executed according to their terms.

(b) This revision shall not be retroactive so as to create any right or liability which did not exist under the Constitution of 1885, as amended, based upon matters occurring prior to the adoption of this revision.

**SECTION 8. Public debts recognized.**

All bonds, revenue certificates, revenue bonds and tax anticipation certificates issued pursuant to the Constitution of 1885, as amended by the state, any agency, political subdivision or public corporation of the state shall remain in full force and effect and shall be secured by the same sources of revenue as before the adoption of this revision, and, to the extent necessary to effectuate this section, the applicable provisions of the Constitution of 1885, as amended, are retained as a

part of this revision until payment in full of these public securities.

**SECTION 9. Bonds.—**

(a) ADDITIONAL SECURITIES.

(1) <sup>1</sup>Article IX, Section 17, of the Constitution of 1885, as amended, as it existed immediately before this Constitution, as revised in 1968, became effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except revenue bonds, revenue certificates or other evidences of indebtedness hereafter issued thereunder may be issued by the agency of the state so authorized by law.

(2) That portion of <sup>2</sup>Article XII, Section 9, Subsection (a) of this Constitution, as amended, which by reference adopted <sup>3</sup>Article XII, Section 19 of the Constitution of 1885, as amended, as the same existed immediately before the effective date of this amendment is adopted by this reference as part of this revision as completely as though incorporated herein verbatim, for the purpose of providing that after the effective date of this amendment all of the proceeds of the revenues derived from the gross receipts taxes, as therein defined, collected in each year shall be applied as provided therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds or certificates issued before the effective date of this amendment or any refundings thereof which are secured by such gross receipts taxes. No bonds or other obligations may be issued pursuant to the provisions of <sup>3</sup>Article XII, Section 19, of the Constitution of 1885, as amended, but this provision shall not be construed to prevent the refunding of any such outstanding bonds or obligations pursuant to the provisions of this subsection (a)(2).

Subject to the requirements of the first paragraph of this subsection (a)(2), beginning July 1, 1975, all of the proceeds of the revenues derived from the gross receipts taxes collected from every person, including municipalities, as provided and levied pursuant to the provisions of chapter 203, Florida Statutes, as such chapter is amended from time to time, shall, as collected, be placed in a trust fund to be known as the "public education capital outlay and debt service trust fund" in the state treasury (hereinafter referred to as "capital outlay fund"), and used only as provided herein.

The capital outlay fund shall be administered by the state board of education as created and constituted by Section 2 of Article IX of the Constitution of Florida as revised in 1968 (hereinafter referred to as "state board"),

or by such other instrumentality of the state which shall hereafter succeed by law to the powers, duties and functions of the state board, including the powers, duties and functions of the state board provided in this subsection (a)(2). The state board shall be a body corporate and shall have all the powers provided herein in addition to all other constitutional and statutory powers related to the purposes of this subsection (a)(2) heretofore or hereafter conferred by law upon the state board, or its predecessor created by the Constitution of 1885, as amended.

State bonds pledging the full faith and credit of the state may be issued, without a vote of the electors, by the state board pursuant to law to finance or refinance capital projects theretofore authorized by the legislature, and any purposes appurtenant or incidental thereto, for the state system of public education provided for in Section 1 of Article IX of this Constitution (hereinafter referred to as "state system"), including but not limited to institutions of higher learning, community colleges, vocational technical schools, or public schools, as now defined or as may hereafter be defined by law. All such bonds shall mature not later than thirty years after the date of issuance thereof. All other details of such bonds shall be as provided by law or by the proceedings authorizing such bonds; provided, however, that no bonds, except refunding bonds, shall be issued, and no proceeds shall be expended for the cost of any capital project, unless such project has been authorized by the legislature.

Bonds issued pursuant to this subsection (a)(2) shall be primarily payable from such revenues derived from gross receipts taxes, and shall be additionally secured by the full faith and credit of the state. No such bonds shall ever be issued in an amount exceeding ninety percent of the amount which the state board determines can be serviced by the revenues derived from the gross receipts taxes accruing thereafter under the provisions of this subsection (a)(2), and such determination shall be conclusive.

The moneys in the capital outlay fund in each fiscal year shall be used only for the following purposes and in the following order of priority:

- a. For the payment of the principal of and interest on any bonds due in such fiscal year;
- b. For the deposit into any reserve funds provided for in the proceedings authorizing the issuance of bonds of any amounts required to be deposited in such reserve funds in such fiscal year;
- c. For direct payment of the cost or any part of the cost of any capital project for the

state system theretofore authorized by the legislature, or for the purchase or redemption of outstanding bonds in accordance with the provisions of the proceedings which authorized the issuance of such bonds, or for the purpose of maintaining, restoring, or repairing existing public educational facilities.

(b) **REFUNDING BONDS.** Revenue bonds to finance the cost of state capital projects issued prior to the date this revision becomes effective, including projects of the Florida state turnpike authority or its successor but excluding all portions of the state highway system, may be refunded as provided by law without vote of the electors at a lower net average interest cost rate by the issuance of bonds maturing not later than the obligations refunded, secured by the same revenues only.

(c) **MOTOR VEHICLE FUEL TAXES.**

(1) A state tax, designated "second gas tax," of two cents per gallon upon gasoline and other like products of petroleum and an equivalent tax upon other sources of energy used to propel motor vehicles as levied by <sup>4</sup>Article IX, Section 16, of the Constitution of 1885, as amended, is hereby continued. The proceeds of said tax shall be placed monthly in the state roads distribution fund in the state treasury.

(2) <sup>4</sup>Article IX, Section 16, of the Constitution of 1885, as amended, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim for the purpose of providing that after the effective date of this revision the proceeds of the "second gas tax" as referred to therein shall be allocated among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds, revenue certificates and tax anticipation certificates or any refundings thereof secured by any portion of the "second gas tax."

(3) No funds anticipated to be allocated under the formula stated in <sup>4</sup>Article IX, Section 16, of the Constitution of 1885, as amended, shall be pledged as security for any obligation hereafter issued or entered into, except that any outstanding obligations previously issued pledging revenues allocated under said <sup>4</sup>Article IX, Section 16, may be refunded at a lower average net interest cost rate by the issuance of refunding bonds, maturing not later than the obligations refunded, secured by the same revenues and any other security authorized in paragraph (5) of this subsection.

(4) Subject to the requirements of paragraph (2) of this subsection and after payment of administrative expenses, the "second gas tax" shall be allocated to the account of each

of the several counties in the amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population to the total population of the state in accordance with the latest available federal census, and one-half in the ratio of the total "second gas tax" collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year. If the annual debt service requirements of any obligations issued for any county, including any deficiencies for prior years, secured under paragraph (2) of this subsection, exceeds the amount which would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) of this subsection shall be administered by the state board of administration created under Article IV, Section 4. The board shall remit the proceeds of the "second gas tax" in each county account for use in said county as follows: eighty per cent to the state agency supervising the state road system and twenty per cent to the governing body of the county. The percentage allocated to the county may be increased by general law. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph (5) shall be used first, for the payment of obligations pledging revenues allocated pursuant to <sup>4</sup>Article IX, Section 16, of the Constitution of 1885, as amended, and any refundings thereof; second, for the payment of debt service on bonds issued as provided by this paragraph (5) to finance the acquisition and construction of roads as defined by law; and third, for the acquisition and construction of roads and for road maintenance as authorized by law. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without any election: (i) to refund obligations secured by any portion of the "second gas tax" allocated to a county under <sup>4</sup>Article IX, Section 16, of the Constitution of 1885, as amended; (ii) to finance the acquisition and construction of roads in a county when approved by the governing body of the county and the state agency supervising the state road system; and (iii) to refund obligations secured by any portion of the "second gas tax" allocated under paragraph 9(c)(4). No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the "second gas tax" allocated to the county

exceed seventy-five per cent of the pledged portion of the "second gas tax" allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five state fiscal years of operation of new projects to be financed, and of any other legally available pledged revenues collected in the preceding state fiscal year. Bonds issued pursuant to this subsection shall be payable primarily from the pledged tolls, the pledged portions of the "second gas tax" allocated to that county, and any other pledged revenue, and shall mature not later than forty years from the date of issuance.

(d) SCHOOL BONDS.

(1) <sup>5</sup>Article XII, Section 9, Subsection (d) of this constitution, as amended, (which, by reference, adopted <sup>6</sup>Article XII, Section 18, of the Constitution of 1885, as amended) as the same existed immediately before the effective date of this amendment is adopted by this reference as part of this amendment as completely as though incorporated herein verbatim, for the purpose of providing that after the effective date of this amendment the first proceeds of the revenues derived from the licensing of motor vehicles as referred to therein shall be distributed annually among the several counties in the ratio of the number of instruction units in each county, the same being coterminus with the school district of each county as provided in Article IX, Section 4, Subsection (a) of this constitution, in each year computed as provided therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds or motor vehicle tax anticipation certificates issued before the effective date of this amendment or any refundings thereof which are secured by any portion of such revenues derived from the licensing of motor vehicles.

(2) No funds anticipated to be distributed annually among the several counties under the formula stated in <sup>5</sup>Article XII, Section 9, Subsection (d) of this constitution, as amended, as the same existed immediately before the effective date of this amendment shall be pledged as security for any obligations hereafter issued or entered into, except that any outstanding obligations previously issued pledging such funds may be refunded by the issuance of refunding bonds.

(3) Subject to the requirements of paragraph (1) of this subsection (d) beginning July 1, 1973, the first proceeds of the revenues derived from the licensing of motor vehicles (hereinafter called "motor vehicle license revenues") to the extent necessary to comply with the provisions of this amendment, shall,

as collected, be placed monthly in the school district and community college district capital outlay and debt service fund in the state treasury and used only as provided in this amendment. Such revenue shall be distributed annually among the several school districts and community college districts in the ratio of the number of instruction units in each school district or community college district in each year computed as provided herein. The amount of the first motor vehicle license revenues to be so set aside in each year and distributed as provided herein shall be an amount equal in the aggregate to the product of six hundred dollars (\$600) multiplied by the total number of instruction units in all the school districts of Florida for the school fiscal year 1967-68, plus an amount equal in the aggregate to the product of eight hundred dollars (\$800) multiplied by the total number of instruction units in all the school districts of Florida for the school fiscal year 1972-73 and for each school fiscal year thereafter which is in excess of the total number of such instruction units in all the school districts of Florida for the school fiscal year 1967-68, such excess units being designated "growth units." The amount of the first motor vehicle license revenues to be so set aside in each year and distributed as provided herein shall additionally be an amount equal in the aggregate to the product of four hundred dollars (\$400) multiplied by the total number of instruction units in all community college districts of Florida. The number of instruction units in each school district or community college district in each year for the purposes of this amendment shall be the greater of (1) the number of instruction units in each school district for the school fiscal year 1967-68 or community college district for the school fiscal year 1968-69 computed in the manner heretofore provided by general law, or (2) the number of instruction units in such school district, including growth units, or community college district for the school fiscal year computed in the manner heretofore or hereafter provided by general law and approved by the state board of education (hereinafter called the state board), or (3) the number of instruction units in each school district, including growth units, or community college district on behalf of which the state board has issued bonds or motor vehicle license revenue anticipation certificates under this amendment which will produce sufficient revenues under this amendment to equal one and twelve-hundredths (1.12) times the aggregate amount of principal of and interest on all bonds or motor vehicle license revenue anticipation certificates issued under this amendment which will mature and become

due in such year, computed in the manner heretofore or hereafter provided by general law and approved by the state board.

(4) Such funds so distributed shall be administered by the state board as now created and constituted by Section 2 of Article IX of the State Constitution as revised in 1968, or by such other instrumentality of the state which shall hereafter succeed by law to the powers, duties and functions of the state board, including the powers, duties and functions of the state board provided in this amendment. For the purposes of this amendment, said state board shall be a body corporate and shall have all the powers provided in this amendment in addition to all other constitutional and statutory powers related to the purposes of this amendment heretofore or hereafter conferred upon said state board.

(5) The state board shall, in addition to its other constitutional and statutory powers, have the management, control and supervision of the proceeds of the first motor vehicle license revenues provided for in this subsection (d). The state board shall also have power, for the purpose of obtaining funds for the use of any school board of any school district or board of trustees of any community college district in acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects for school purposes to issue bonds or motor vehicle license revenue anticipation certificates, and also to issue such bonds or motor vehicle license revenue anticipation certificates to pay, fund or refund any bonds or motor vehicle license revenue anticipation certificates theretofore issued by said state board. All such bonds or motor vehicle license revenue anticipation certificates shall bear interest at not exceeding the rate provided by general law and shall mature not later than thirty years after the date of issuance thereof. The state board shall have power to determine all other details of the bonds or motor vehicle license revenue anticipation certificates and to sell in the manner provided by general law, or exchange the bonds or motor vehicle license revenue anticipation certificates, upon such terms and conditions as the state board shall provide.

(6) The state board shall also have power to pledge for the payment of the principal of and interest on such bonds or motor vehicle license revenue anticipation certificates, including refunding bonds or refunding motor vehicle license revenue anticipation certificates, all or any part from the motor vehicle license revenues provided for in this amendment and to enter into any covenants and

other agreements with the holders of such bonds or motor vehicle license revenue anticipation certificates at the time of the issuance thereof concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

(7) No such bonds or motor vehicle license revenue anticipation certificates shall ever be issued by the state board, except to refund outstanding bonds or motor vehicle license revenue anticipation certificates, until after the adoption of a resolution requesting the issuance thereof by the school board of the school district or board of trustees of the community college district on behalf of which the obligations are to be issued. The state board of education shall limit the amount of such bonds or motor vehicle license revenue anticipation certificates which can be issued on behalf of any school district or community college district to ninety percent (90%) of the amount which it determines can be serviced by the revenue accruing to the school district or community college district under the provisions of this amendment, and shall determine the reasonable allocation of the interest savings from the issuance of refunding bonds or motor vehicle license revenue anticipation certificates, and such determinations shall be conclusive. All such bonds or motor vehicle license revenue anticipation certificates shall be issued in the name of the state board of education but shall be issued for and on behalf of the school board of the school district or board of trustees of the community college district requesting the issuance thereof, and no election or approval of qualified electors shall be required for the issuance thereof.

(8) The state board shall in each year use the funds distributable pursuant to this amendment to the credit of each school district or community college district only in the following manner and in order of priority:

a. To comply with the requirements of paragraph (1) of this subsection (d).

b. To pay all amounts of principal and interest due in such year on any bonds or motor vehicle license revenue anticipation certificates issued under the authority hereof, including refunding bonds or motor vehicle license revenue anticipation certificates, issued on behalf of the school board of such school district or board of trustees of such community college district; subject, however, to any covenants or agreements made by the state board concerning the rights between holders of different issues of such bonds or

motor vehicle license revenue anticipation certificates, as herein authorized.

c. To establish and maintain a sinking fund or funds to meet future requirements for debt service or reserves therefor, on bonds or motor vehicle license revenue anticipation certificates issued on behalf of the school board of such school district or board of trustees of such community college district under the authority hereof, whenever the state board shall deem it necessary or advisable, and in such amounts and under such terms and conditions as the state board shall in its discretion determine.

d. To distribute annually to the several school boards of the school districts or the boards of trustees of the community college districts for use in payment of debt service on bonds heretofore or hereafter issued by any such school boards of the school districts or boards of trustees of the community college districts where the proceeds of the bonds were used, or are to be used, in the acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects in such school districts or community college districts and which capital outlay projects have been approved by the school board of the school district or board of trustees of the community college district, pursuant to the most recent survey or surveys conducted under regulations prescribed by the state board to determine the capital outlay needs of the school district or community college district. The state board shall have power at the time of issuance of any bonds by any school board of any school district or board of trustees of any community college district to covenant and agree with such school board or board of trustees as to the rank and priority of payments to be made for different issues of bonds under this subparagraph d., and may further agree that any amounts to be distributed under this subparagraph d. may be pledged for the debt service on bonds issued by any school board of any school district or board of trustees of any community college district and for the rank and priority of such pledge. Any such covenants or agreements of the state board may be enforced by any holders of such bonds in any court of competent jurisdiction.

e. To pay the expenses of the state board in administering this subsection (d), which shall be prorated among the various school districts and community college districts and paid out of the proceeds of the bonds or motor vehicle license revenue anticipation certificates or from the funds distributable to each school district and community college district on the same basis as

such motor vehicle license revenues are distributable to the various school districts and community college districts.

f. To distribute annually to the several school boards of the school districts or boards of trustees of the community college districts for the payment of the cost of acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects for school purposes in such school district or community college district as shall be requested by resolution of the school board of the school district or board of trustees of the community college district.

g. When all major capital outlay needs of a school district or community college district have been met as determined by the state board, on the basis of a survey made pursuant to regulations of the state board and approved by the state board, all such funds remaining shall be distributed annually and used for such school purposes in such school district or community college district as the school board of the school district or board of trustees of the community college district shall determine, or as may be provided by general law.

(9) Capital outlay projects of a school district or community college district shall be eligible to participate in the funds accruing under this amendment and derived from the proceeds of bonds and motor vehicle license revenue anticipation certificates and from the motor vehicle license revenues, only in the order of priority of needs, as shown by a survey or surveys conducted in the school district or community college district under regulations prescribed by the state board, to determine the capital outlay needs of the school district or community college district and approved by the state board; provided that the priority of such projects may be changed from time to time upon the request of the school board of the school district or board of trustees of the community college district and with the approval of the state board; and provided, further, that this paragraph (9) shall not in any manner affect any covenant, agreement or pledge made by the state board in the issuance by said state board of any bonds or motor vehicle license revenue anticipation certificates, or in connection with the issuance of any bonds of any school board of any school district or board of trustees of any community college district.

(10) The state board shall have power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this amendment of full force and operating effect. The legislature

shall not reduce the levies of said motor vehicle license revenues during the life of this amendment to any degree which will fail to provide the full amount necessary to comply with the provisions of this amendment and pay the necessary expenses of administering the laws relating to the licensing of motor vehicles, and shall not enact any law having the effect of withdrawing the proceeds of such motor vehicle license revenues from the operation of this amendment and shall not enact any law impairing or materially altering the rights of the holders of any bonds or motor vehicle license revenue anticipation certificates issued pursuant to this amendment or impairing or altering any covenant or agreement of the state board, as provided in such bonds or motor vehicle license revenue anticipation certificates.

(11) Bonds issued by the state board pursuant to this subsection (d) shall be payable primarily from said motor vehicle license revenues as provided herein, and if heretofore or hereafter authorized by law, may be additionally secured by pledging the full faith and credit of the state without an election. When heretofore or hereafter authorized by law, bonds issued pursuant to <sup>6</sup>Article XII, Section 18 of the Constitution of 1885, as amended prior to 1968, and bonds issued pursuant to Article XII, Section 9, subsection (d) of the Constitution as revised in 1968, and bonds issued pursuant to this subsection (d), may be refunded by the issuance of bonds additionally secured by the full faith and credit of the state.

(e) DEBT LIMITATION. Bonds issued pursuant to this Section 9 of Article XII which are payable primarily from revenues pledged pursuant to this section shall not be included in applying the limits upon the amount of state bonds contained in Section 11, Article VII, of this revision.

**History.**—Am. H.J.R. 1851, 1969; adopted 1969; Am. C.S. for S.J.R. 292, 1972, and Am. C.S. for H.J.R. 3576, 1972; adopted 1972; Am. C.S. for H.J.R.'s 2289, 2984, 1974; adopted 1974; Am. S.J.R. 824, 1980; adopted 1980; Am. S.J.R. 1157, 1984; adopted 1984; Am. proposed by Taxation and Budget Reform Commission, Revision No. 1, 1992, filed with the Secretary of State May 7, 1992; adopted 1992; Am. S.J.R. 2-H, 1992; adopted 1992; Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

<sup>1</sup>**Note.**—Section 17 of Art. IX of the Constitution of 1885, as amended, reads as follows:

SECTION 17. Bonds; land acquisition for outdoor recreation development.—The outdoor recreational development council, as created by the 1963 legislature, may issue revenue bonds, revenue certificates or other evidences of indebtedness to acquire lands, water areas and related resources and to construct, improve, enlarge and extend capital improvements and facilities thereon in furtherance of outdoor recreation, natural resources conservation and related facilities in this state; provided, however, the legislature with respect to such revenue bonds, revenue certificates or other evidences of indebtedness shall designate the revenue or tax sources to be deposited in or credited to the land acquisition trust fund for their repayment and

may impose restrictions on their issuance, including the fixing of maximum interest rates and discounts.

The land acquisition trust fund, created by the 1963 legislature for these multiple public purposes, shall continue from the date of the adoption of this amendment for a period of fifty years.

In the event the outdoor recreational development council shall determine to issue bonds for financing acquisition of sites for multiple purposes the state board of administration shall act as fiscal agent, and the attorney general shall handle the validation proceedings.

All bonds issued under this amendment shall be sold at public sale after public advertisement upon such terms and conditions as the outdoor recreational development council shall provide and as otherwise provided by law and subject to the limitations herein imposed.

**History.**—S.J.R. 727, 1963; adopted 1963.

<sup>2</sup>**Note.**—Prior to its amendment by C.S. for H.J.R.'s 2289, 2984, 1974, subsection (a) read as follows:

(a) ADDITIONAL SECURITIES. Article IX, Section 17, of the Constitution of 1885, as amended, as it existed immediately before this Constitution, as revised in 1968, became effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except revenue bonds, revenue certificates or other evidences of indebtedness hereafter issued thereunder may be issued by the agency of the state so authorized by law.

Article XII, Section 19, of the Constitution of 1885, as amended, as it existed immediately before this revision becomes effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except bonds or tax anticipation certificates hereafter issued thereunder may bear interest not in excess of five percent (5%) per annum or such higher interest as may be authorized by statute passed by a three-fifths (3/5) vote of each house of the legislature. No revenue bonds or tax anticipation certificates shall be issued pursuant thereto after June 30, 1975.

<sup>3</sup>**Note.**—Section 19 of Art. XII of the Constitution of 1885, as amended, reads as follows:

SECTION 19. Institutions of higher learning and junior college capital outlay trust fund bonds.—(a) That beginning January 1, 1964, and for fifty years thereafter, all of the proceeds of the revenues derived from the gross receipts taxes collected from every person, including municipalities, receiving payment for electricity for light, heat or power, for natural or manufactured gas for light, heat or power, for use of telephones and for the sending of telegrams and telegraph messages, as now provided and levied as of the time of adoption of this amendment in Chapter 203, Florida Statutes (hereinafter called "Gross Receipts Taxes"), shall, as collected be placed in a trust fund to be known as the "Institutions of Higher Learning and Junior Colleges Capital Outlay and Debt Service Trust Fund" in the State Treasury (hereinafter referred to as "Capital Outlay Fund"), and used only as provided in this Amendment.

Said fund shall be administered by the State Board of Education, as now created and constituted by Section 3 of Article XII [now s. 2, Article IX] of the Constitution of Florida (hereinafter referred to as "State Board"). For the purpose of this Amendment, said State Board, as now constituted, shall continue as a body corporate during the life of this Amendment and shall have all the powers provided in this Amendment in addition to all other constitutional and statutory powers related to the purposes of this Amendment heretofore or hereafter conferred by law upon said State Board.

(b) The State Board shall have power, for the purpose of obtaining funds for acquiring, building, constructing, altering, improving, enlarging, furnishing or equipping capital outlay projects theretofore authorized by the legislature and any purposes appurtenant or incidental thereto, for Institutions of Higher Learning or Junior Colleges, as now defined or as may be hereafter defined by law, and for the purpose of constructing buildings and other permanent facilities for vocational technical schools as provided in chapter 230 Florida Statutes, to issue bonds or certificates, including refunding bonds or certificates to fund or refund any bonds or certificates theretofore issued. All such bonds or certificates shall bear interest at not exceeding four and one-half per centum per annum, and shall mature at such time or times as the State Board shall determine not exceeding, in any event, however, thirty years from the date of issuance thereof. The State Board shall have power to determine all other details of such bonds or certificates and to sell at public sale, after public advertisement, such bonds or certificates, provided, however, that no bonds or certificates shall ever be issued hereunder to finance, or the proceeds thereof expended for, any part of the cost of any capital outlay project unless the construction or acquisition of such capital outlay project has been theretofore authorized by the Legislature of Florida. None of said bonds or certificates shall be sold at less than ninety-eight per centum of the par value thereof, plus accrued interest, and said bonds or certificates shall be awarded at the public sale thereof to

the bidder offering the lowest net interest cost for such bonds or certificates in the manner to be determined by the State Board.

The State Board shall also have power to pledge for the payment of the principal and of interest on such bonds or certificates, and reserves therefor, including refunding bonds or certificates, all or any part of the revenue to be derived from the said Gross Receipts Taxes provided for in this Amendment, and to enter into any covenants and other agreements with the holders of such bonds or certificates concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

No such bonds or certificates shall ever be issued by the State Board in an amount exceeding seventy-five per centum of the amount which it determines, based upon the average annual amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding two fiscal years, or the amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding fiscal year, as shown in a certificate filed by the State Comptroller with the State Board prior to the issuance of such bonds or certificates, whichever is the lesser, can be serviced by the revenues accruing thereafter under the provisions of this Amendment; nor shall the State Board, during the first year following the ratification of this amendment, issue bonds or certificates in excess of seven times the anticipated revenue from said Gross Receipts Taxes during said year, nor during each succeeding year, more than four times the anticipated revenue from said Gross Receipts Taxes during such year. No election or approval of qualified electors or freeholder electors shall be required for the issuance of bonds or certificates hereunder.

After the initial issuance of any bonds or certificates pursuant to this Amendment, the State Board may thereafter issue additional bonds or certificates which will rank equally and on a parity, as to lien on and source of security for payment from said Gross Receipts Taxes, with any bonds or certificates theretofore issued pursuant to this Amendment, but such additional parity bonds or certificates shall not be issued unless the average annual amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding two fiscal years, or the amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding fiscal year, as shown in a certificate filed by the State Comptroller with the State Board prior to the issuance of such bonds or certificates, whichever is the lesser, shall have been equal to one and one-third times the aggregate amount of principal and interest which will become due in any succeeding fiscal year on all bonds or certificates theretofore issued pursuant to this Amendment and then outstanding, and the additional parity bonds or certificates then proposed to be issued. No bonds, certificates or other obligations whatsoever shall at any time be issued under the provisions of this Amendment, except such bonds or certificates initially issued hereunder, and such additional parity bonds or certificates as provided in this paragraph. Notwithstanding any other provision herein no such bonds or certificates shall be authorized or validated during any biennium in excess of fifty million dollars, except by two-thirds vote of the members elected to each house of the legislature; provided further that during the biennium 1963-1965 seventy-five million dollars may be authorized and validated pursuant hereto.

(c) Capital outlay projects theretofore authorized by the legislature for any Institution of Higher Learning or Junior College shall be eligible to participate in the funds accruing under this Amendment derived from the proceeds of bonds or certificates and said Gross Receipts Taxes under such regulations and in such manner as shall be determined by the State Board, and the State Board shall use or transmit to the State Board of Control or to the Board of Public Instruction of any County authorized by law to construct or acquire such capital outlay projects, the amount of the proceeds of such bonds or certificates or Gross Receipts Taxes to be applied to or used for such capital outlay projects. If for any reason any of the proceeds of any bonds or certificates issued for any capital outlay project shall not be expended for such capital outlay project, the State Board may use such unexpended proceeds for any other capital outlay project for Institutions of Higher Learning or Junior Colleges and vocational technical schools, as defined herein, as now defined or as may be hereafter defined by law, theretofore authorized by the State Legislature. The holders of bonds or certificates issued hereunder shall not have any responsibility whatsoever for the application or use of any of the proceeds derived from the sale of said bonds or certificates, and the rights and remedies of the holders of such bonds or certificates and their right to payment from said Gross Receipts Taxes in the manner provided herein

shall not be affected or impaired by the application or use of such proceeds.

The State Board shall use the moneys in said Capital Outlay Fund in each fiscal year only for the following purposes and in the following order of priority:

(1) For the payment of the principal and of interest on any bonds or certificates maturing in such fiscal year.

(2) For the deposit into any reserve funds provided for in the proceedings authorizing the issuance of said bonds or certificates, of any amounts required to be deposited in such reserve funds in such fiscal year.

(3) After all payments required in such fiscal year for the purposes provided for in (1) and (2) above, including any deficiencies for required payments in prior fiscal years, any moneys remaining in said Capital Outlay Fund at the end of such fiscal year may be used by the State Board for direct payment of the cost or any part of the cost of any capital outlay project theretofore authorized by the legislature or for the purchase of any bonds or certificates issued hereunder then outstanding upon such terms and conditions as the State Board shall deem proper, or for the prior redemption of outstanding bonds or certificates in accordance with the provisions of the proceedings which authorized the issuance of such bonds or certificates.

The State Board may invest the moneys in said Capital Outlay Fund or in any sinking fund or other funds created for any issue of bonds or certificates, in direct obligations of the United States of America or in the other securities referred to in Section 344.27, Florida Statutes.

(d) The State Board shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this Amendment of full force and operating effect on and after January 1, 1964. The Legislature, during the period this Amendment is in effect, shall not reduce the rate of said Gross Receipts Taxes now provided in said Chapter 203, Florida Statutes, or eliminate, exempt or remove any of the persons, firms or corporations, including municipal corporations, or any of the utilities, businesses or services now or hereafter subject to said Gross Receipts Taxes, from the levy and collection of said Gross Receipts Taxes as now provided in said Chapter 203, Florida Statutes, and shall not enact any law impairing or materially altering the rights of the holders of any bonds or certificates issued pursuant to this Amendment or impairing or altering any covenants or agreements of the State Board made hereunder, or having the effect of withdrawing the proceeds of said Gross Receipts Taxes from the operation of this Amendment.

The State Board of Administration shall be and is hereby constituted as the Fiscal Agent of the State Board to perform such duties and assume such responsibilities under this Amendment as shall be agreed upon between the State Board and such State Board of Administration. The State Board shall also have power to appoint such other persons and fix their compensation for the administration of the provisions of this Amendment as it shall deem necessary, and the expenses of the State Board in administering the provisions of this Amendment shall be paid out of the proceeds of bonds or certificates issued hereunder or from said Gross Receipts Taxes deposited in said Capital Outlay Fund.

(e) No capital outlay project or any part thereof shall be financed hereunder unless the bill authorizing such project shall specify it is financed hereunder and shall be approved by a vote of three-fifths of the elected members of each house.

**History.**—S.J.R. 264, 1963; adopted 1963.

**4Note.**—Section 16 of Art. IX of the Constitution of 1885, as amended, reads as follows:

SECTION 16. Board of administration; gasoline and like taxes, distribution and use; etc.—(a) That beginning January 1st, 1943, and for fifty (50) years thereafter, the proceeds of two (2c) cents per gallon of the total tax levied by state law upon gasoline and other like products of petroleum, now known as the Second Gas Tax, and upon other fuels used to propel motor vehicles, shall as collected be placed monthly in the 'State Roads Distribution Fund' in the State Treasury and divided into three (3) equal parts which shall be distributed monthly among the several counties as follows: one part according to area, one part according to population, and one part according to the counties' contributions to the cost of state road construction in the ratio of distribution as provided in Chapter 15659, Laws of Florida, Acts of 1931, and for the purposes of the apportionment based on the counties' contributions for the cost of state road construction, the amount of the contributions established by the certificates made in 1931 pursuant to said Chapter 15659, shall be taken and deemed conclusive in computing the monthly amounts distributable according to said contributions. Such funds so distributed shall be administered by the State Board of Administration as hereinafter provided.

(b) The Governor as chairman, the State Treasurer, and the State Comptroller shall constitute a body corporate to be known

as the 'State Board of Administration,' which board shall succeed to all the power, control and authority of the statutory Board of Administration. Said Board shall have, in addition to such powers as may be conferred upon it by law, the management, control and supervision of the proceeds of said two (2c) cents of said taxes and all moneys and other assets which on the effective date of this amendment are applicable or may become applicable to the bonds of the several counties of this state, or any special road and bridge district, or other special taxing district thereof, issued prior to July 1st, 1931, for road and bridge purposes. The word 'bonds' as used herein shall include bonds, time warrants, notes and other forms of indebtedness issued for road and bridge purposes by any county or special road and bridge district or other special taxing district, outstanding on July 1st, 1931, or any refunding issues thereof. Said Board shall have the statutory powers of Boards of County Commissioners and Bond Trustees and of any other authority of special road and bridge districts, and other special taxing districts thereof with regard to said bonds, (except that the power to levy ad valorem taxes is expressly withheld from said Board), and shall take over all papers, documents and records concerning the same. Said Board shall have the power from time to time to issue refunding bonds to mature within the said fifty (50) year period, for any of said outstanding bonds or interest thereon, and to secure them by a pledge of anticipated receipts from such gasoline or other fuel taxes to be distributed to such county as herein provided, but not at a greater rate of interest than said bonds now bear; and to issue, sell or exchange on behalf of any county or unit for the sole purpose of retiring said bonds issued by such county, or special road and bridge district, or other special taxing district thereof, gasoline or other fuel tax anticipation certificates bearing interest at not more than three (3) per cent per annum in such denominations and maturing at such time within the fifty (50) year period as the board may determine. In addition to exercising the powers now provided by statute for the investment of sinking funds, said Board may use the sinking funds created for said bonds of any county or special road and bridge district, or other unit hereunder, to purchase the matured or maturing bonds participating herein of any other county or any other special road and bridge district, or other special taxing district thereof, provided that as to said matured bonds, the value thereof as an investment shall be the price paid therefor, which shall not exceed the par value plus accrued interest, and that said investment shall bear interest at the rate of three (3) per cent per annum.

(c) The said board shall annually use said funds in each county account, first, to pay current principal and interest maturing, if any, of said bonds and gasoline or other fuel tax anticipation certificates of such county or special road and bridge district, or other special taxing district thereof; second, to establish a sinking fund account to meet future requirements of said bonds and gasoline or other fuel tax anticipation certificates where it appears the anticipated income for any year or years will not equal scheduled payments thereon; and third, any remaining balance out of the proceeds of said two (2c) cents of said taxes shall monthly during the year be remitted by said board as follows: Eighty (80%) per cent to the State Road Department for the construction or reconstruction of state roads and bridges within the county, or for the lease or purchase of bridges connecting state highways within the county, and twenty (20%) per cent to the Board of County Commissioners of such county for use on roads and bridges therein.

(d) Said board shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers hereby granted and no legislation shall be required to render this amendment of full force and operating effect from and after January 1st, 1943. The Legislature shall continue the levies of said taxes during the life of this Amendment, and shall not enact any law having the effect of withdrawing the proceeds of said two (2c) cents of said taxes from the operation of this amendment. The board shall pay refunding expenses and other expenses for services rendered specifically for, or which are properly chargeable to, the account of any county from funds distributed to such county; but general expenses of the board for services rendered all the counties alike shall be prorated among them and paid out of said funds on the same basis said tax proceeds are distributed among the several counties; provided, report of said expenses shall be made to each Regular Session of the Legislature, and the Legislature may limit the expenses of the board.

**History.**—Added, S.J.R. 324, 1941; adopted 1942.

**Note.**—Prior to its amendment by C.S. for H.J.R. 3576, 1972, subsection (d) read as follows:

(d) SCHOOL BONDS. Article XII, Section 18, of the Constitution of 1885, as amended, as it existed immediately before this revision becomes effective is adopted by this reference as part of this revision as completely as though incorporated herein verbatim, except bonds or tax anticipation certificates hereafter issued thereunder may bear interest not in excess of five per cent per annum or such higher interest as may

be authorized by statute passed by a three-fifths vote of each house of the legislature. Bonds issued pursuant to this subsection (d) shall be payable primarily from revenues as provided in Article XII, Section 18, of the Constitution of 1885, as amended, and if authorized by law, may be additionally secured by pledging the full faith and credit of the state without an election. When authorized by law, bonds issued pursuant to Article XII, Section 18, of the Constitution of 1885, as amended, and bonds issued pursuant to this subsection (d), may be refunded by the issuance of bonds additionally secured by the full faith and credit of the state only at a lower net average interest cost rate.

**Note.**—Section 18, Art. XII of the Constitution of 1885, as amended, reads as follows:

SECTION 18. School bonds for capital outlay, issuance.—

(a) Beginning January 1, 1965 and for thirty-five years thereafter, the first proceeds of the revenues derived from the licensing of motor vehicles to the extent necessary to comply with the provisions of this amendment, shall, as collected, be placed monthly in the county capital outlay and debt service school fund in the state treasury, and used only as provided in this amendment. Such revenue shall be distributed annually among the several counties in the ratio of the number of instruction units in each county in each year computed as provided herein. The amount of the first revenues derived from the licensing of motor vehicles to be so set aside in each year and distributed as provided herein shall be an amount equal in the aggregate to the product of four hundred dollars multiplied by the total number of instruction units in all the counties of Florida. The number of instruction units in each county in each year for the purposes of this amendment shall be the greater of (1) the number of instruction units in each county for the school fiscal year 1951-52 computed in the manner heretofore provided by general law, or (2) the number of instruction units in such county for the school fiscal year computed in the manner heretofore or hereafter provided by general law and approved by the state board of education (hereinafter called the state board), or (3) the number of instruction units in each county on behalf of which the state board of education has issued bonds or motor vehicle tax anticipation certificates under this amendment which will produce sufficient revenues under this amendment to equal one and one-third times the aggregate amount of principal of and interest on such bonds or motor vehicle tax anticipation certificates which will mature and become due in such year, computed in the manner heretofore or hereafter provided by general law and approved by the state board.

Such funds so distributed shall be administered by the state board as now created and constituted by Section 3 of Article XII [now s. 2, Article IX] of the Constitution of Florida. For the purposes of this amendment, said state board, as now constituted, shall continue as a body corporate during the life of this amendment and shall have all the powers provided in this amendment in addition to all other constitutional and statutory powers related to the purposes of this amendment heretofore or hereafter conferred upon said board.

(b) The state board shall, in addition to its other constitutional and statutory powers, have the management, control and supervision of the proceeds of the first part of the revenues derived from the licensing of motor vehicles provided for in subsection (a). The state board shall also have power, for the purpose of obtaining funds for the use of any county board of public instruction in acquiring, building, constructing, altering, improving, enlarging, furnishing, or equipping capital outlay projects for school purposes, to issue bonds or motor vehicle tax anticipation certificates, and also to issue such bonds or motor vehicle tax anticipation certificates to pay, fund or refund any bonds or motor vehicle tax anticipation certificates theretofore issued by said state board. All such bonds shall bear interest at not exceeding four and one-half per centum per annum and shall mature serially in annual installments commencing not more than three years from the date of issuance thereof and ending not later than thirty years from the date of issuance or January 1, 2000, A.D., whichever is earlier. All such motor vehicle tax anticipation certificates shall bear interest at not exceeding four and one-half per centum per annum and shall mature prior to January 1, 2000, A.D. The state board shall have power to determine all other details of said bonds or motor vehicle tax anticipation certificates and to sell at public sale after public advertisement, or exchange said bonds or motor vehicle tax anticipation certificates, upon such terms and conditions as the state board shall provide.

The state board shall also have power to pledge for the payment of the principal of and interest on such bonds or motor vehicle tax anticipation certificates, including refunding bonds or refunding motor vehicle tax anticipation certificates, all or any part from the anticipated revenues to be derived from the licensing of motor vehicles provided for in this amendment and to enter into any covenants and other agreements with the holders of such bonds or motor vehicle tax anticipation certificates at the time of the issuance thereof concerning the security

thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

No such bonds or motor vehicle tax anticipation certificates shall ever be issued by the state board until after the adoption of a resolution requesting the issuance thereof by the county board of public instruction of the county on behalf of which such obligations are to be issued. The state board of education shall limit the amount of such bonds or motor vehicle tax anticipation certificates which can be issued on behalf of any county to seventy-five per cent of the amount which it determines can be serviced by the revenue accruing to the county under the provisions of this amendment, and such determination shall be conclusive. All such bonds or motor vehicle tax anticipation certificates shall be issued in the name of the state board of education but shall be issued for and on behalf of the county board of public instruction requesting the issuance thereof, and no election or approval of qualified electors or freeholders shall be required for the issuance thereof.

(c) The State Board shall in each year use the funds distributable pursuant to this Amendment to the credit of each county only in the following manner and order of priority:

(1) To pay all amounts of principal and interest maturing in such year on any bonds or motor vehicle tax anticipation certificates issued under the authority hereof, including refunding bonds or motor vehicle tax anticipation certificates, issued on behalf of the Board of Public Instruction of such county; subject, however, to any covenants or agreements made by the State Board concerning the rights between holders of different issues of such bonds or motor vehicle tax anticipation certificates, as herein authorized.

(2) To establish and maintain a sinking fund or funds to meet future requirements for debt service, or reserves therefor, on bonds or motor vehicle tax anticipation certificates issued on behalf of the Board of Public Instruction of such county, under the authority hereof, whenever the State Board shall deem it necessary or advisable, and in such amounts and under such terms and conditions as the State Board shall in its discretion determine.

(3) To distribute annually to the several Boards of Public Instruction of the counties for use in payment of debt service on bonds heretofore or hereafter issued by any such Board where the proceeds of the bonds were used, or are to be used, in the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects in such county, and which capital outlay projects have been approved by the Board of Public Instruction of the county, pursuant to a survey or surveys conducted subsequent to July 1, 1947 in the county, under regulations prescribed by the State Board to determine the capital outlay needs of the county.

The State Board shall have power at the time of issuance of any bonds by any Board of Public Instruction to covenant and agree with such Board as to the rank and priority of payments to be made for different issues of bonds under this Subsection (3), and may further agree that any amounts to be distributed under this Subsection (3) may be pledged for the debt service on bonds issued by any Board of Public Instruction and for the rank and priority of such pledge. Any such covenants or agreements of the State Board may be enforced by any holders of such bonds in any court of competent jurisdiction.

(4) To distribute annually to the several Boards of Public Instruction of the counties for the payment of the cost of the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects for school purposes in such county as shall be requested by resolution of the County Board of Public Instruction of such county.

(5) When all major capital outlay needs of a county have been met as determined by the State Board, on the basis of a survey made pursuant to regulations of the State Board and approved by the State Board, all such funds remaining shall be distributed annually and used for such school purposes in such county as the Board of Public Instruction of the county shall determine, or as may be provided by general law.

(d) Capital outlay projects of a county shall be eligible to participate in the funds accruing under this Amendment and derived from the proceeds of bonds and motor vehicle tax anticipation certificates and from the motor vehicle license taxes, only in the order of priority of needs, as shown by a survey or surveys conducted in the county under regulations prescribed by the State Board, to determine the capital outlay needs of the county and approved by the State Board; provided, that the priority of such projects may be changed from time to time upon the request of the Board of Public Instruction of the county and with the approval of the State Board; and provided further, that this Subsection (d) shall not in any manner affect any covenant, agreement, or pledge made by the State Board in the issuance by said State Board of any bonds or motor vehicle tax anticipation

certificates, or in connection with the issuance of any bonds of any Board of Public Instruction of any county.

(e) The State Board may invest any sinking fund or funds created pursuant to this Amendment in direct obligations of the United States of America or in the bonds or motor vehicle tax anticipation certificates, matured or to mature, issued by the State Board on behalf of the Board of Public Instruction of any county.

(f) The State Board shall have power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this Amendment of full force and operating effect from and after January 1, 1953. The Legislature shall not reduce the levies of said motor vehicle license taxes during the life of this Amendment to any degree which will fail to provide the full amount necessary to comply with the provisions of this Amendment and pay the necessary expenses of administering the laws relating to the licensing of motor vehicles, and shall not enact any law having the effect of withdrawing the proceeds of such motor vehicle license taxes from the operation of this Amendment and shall not enact any law impairing or materially altering the rights of the holders of any bonds or motor vehicle tax anticipation certificates issued pursuant to this Amendment or impairing or altering any covenant or agreement of the State Board, as provided in such bonds or motor vehicle tax anticipation certificates.

The State Board shall have power to appoint such persons and fix their compensation for the administration of the provisions of this Amendment as it shall deem necessary, and the expenses of the State Board in administering the provisions of this Amendment shall be prorated among the various counties and paid out of the proceeds of the bonds or motor vehicle tax anticipation certificates or from the funds distributable to each county on the same basis as such motor vehicle license taxes are distributable to the various counties under the provisions of this Amendment. Interest or profit on sinking fund investments shall accrue to the counties in proportion to their respective equities in the sinking fund or funds.

**History.**—Added, S.J.R. 106, 1951; adopted 1952; (a), (b) Am. S.J.R. 218, 1963; adopted 1964.

**SECTION 10. Preservation of existing government.**—All provisions of Articles I through IV, VII and IX through XX of the Constitution of 1885, as amended, not embraced herein which are not inconsistent with this revision shall become statutes subject to modification or repeal as are other statutes.

**Note.**—See table in Volume 6 of the Florida Statutes tracing various provisions of the Constitution of 1885, as amended, into the Florida Statutes.

**SECTION 11. Deletion of obsolete schedule items.**—The legislature shall have power, by joint resolution, to delete from this revision any section of this Article XII, including this section, when all events to which the section to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this section shall be subject to judicial review.

**SECTION 12. Senators.**—The requirements of staggered terms of senators in Section 15(a), of Article III of this revision shall apply only to senators elected in November, 1972, and thereafter.

**SECTION 13. Legislative apportionment.**—The requirements of legislative apportionment in Section 16 of Article III of this revision shall apply only to the apportionment of the legislature following the decennial census of 1970, and thereafter.

**SECTION 14. Representatives; terms.**

The legislature at its first regular session following the ratification of this revision, by joint resolution, shall propose to the electors of the state for ratification or rejection in the general election of 1970 an amendment to Article III, Section 15(b), of the constitution providing staggered terms of four years for members of the house of representatives.

**SECTION 15. Special district taxes.—**

Ad valorem taxing power vested by law in special districts existing when this revision becomes effective shall not be abrogated by Section 9(b) of Article VII herein, but such powers, except to the extent necessary to pay outstanding debts, may be restricted or withdrawn by law.

**SECTION 16. Reorganization.—**The requirement of Section 6, Article IV of this revision shall not apply until July 1, 1969.

**SECTION 17. Conflicting provisions.**

This schedule is designed to effect the orderly transition of government from the Constitution of 1885, as amended, to this revision and shall control in all cases of conflict with any part of Article I through IV, VII, and IX through XI herein.

**SECTION 18. Bonds for housing and related facilities.—**Section 16 of Article VII, providing for bonds for housing and related facilities, shall take effect upon approval by the electors.

**History.—**Added, S.J.R. 6-E, 1980; adopted 1980.

**<sup>1</sup>SECTION 19. Renewable energy source property.—**The amendment to Section 3 of Article VII, relating to an exemption for a renewable energy source device and real property on which such device is installed, if adopted at the special election in October 1980, shall take effect January 1, 1981.

**History.—**Added, S.J.R. 15-E, 1980; adopted 1980.

**<sup>1</sup>Note.—**

A. This section, originally designated section 18 by S.J.R. 15-E, 1980, was redesignated section 19 by the editors in order to avoid confusion with section 18 as contained in S.J.R. 6-E, 1980.

B. The amendment to section 3 of Article VII, relating to an exemption for renewable energy source property, was repealed effective November 4, 2008, by Am. proposed by the Taxation and Budget Reform Commission, Revision No. 3, 2008, filed with the Secretary of State April 28, 2008; adopted 2008.

**SECTION 20. Access to public records.—**Section 24 of Article I, relating to access to public records, shall take effect July 1, 1993.

**History.—**Added, C.S. for C.S. for H.J.R.'s 1727, 863, 2035, 1992; adopted 1992.

**SECTION 21. State revenue limitation.**

The amendment to Section 1 of Article VII limiting state revenues shall take effect January 1, 1995, and shall first be applicable to state fiscal year 1995-1996.

**History.—**Added, H.J.R. 2053, 1994; adopted 1994.

**SECTION 22. Historic property exemption and assessment.—**The amendments to Sections 3 and 4 of Article VII relating to ad valorem tax exemption for, and assessment of, historic property shall take effect January 1, 1999.

**History.—**Added, H.J.R. 969, 1997; adopted 1998.

**<sup>1</sup>SECTION 23. Fish and wildlife conservation commission.—**

(a) The initial members of the commission shall be the members of the game and fresh water fish commission and the marine fisheries commission who are serving on those commissions on the effective date of this amendment, who may serve the remainder of their respective terms. New appointments to the commission shall not be made until the retirement, resignation, removal, or expiration of the terms of the initial members results in fewer than seven members remaining.

(b) The jurisdiction of the marine fisheries commission as set forth in statutes in effect on March 1, 1998, shall be transferred to the fish and wildlife conservation commission. The jurisdiction of the marine fisheries commission transferred to the commission shall not be expanded except as provided by general law. All rules of the marine fisheries commission and game and fresh water fish commission in effect on the effective date of this amendment shall become rules of the fish and wildlife conservation commission until superseded or amended by the commission.

(c) On the effective date of this amendment, the marine fisheries commission and game and fresh water fish commission shall be abolished.

(d) This amendment shall take effect July 1, 1999.

**History.—**Proposed by Constitution Revision Commission, Revision No. 5, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**<sup>1</sup>Note.—**This section, originally designated section 22 by Revision No. 5 of the Constitution Revision Commission, 1998, was redesignated section 23 by the editors in order to avoid confusion with section 22 as created in H.J.R. 969, 1997.

**<sup>1</sup>SECTION 24. Executive branch reform.**

(a) The amendments contained in this revision shall take effect January 7, 2003, but shall govern with respect to the qualifying for and the holding of primary elections in 2002. The office of chief financial officer shall be a new office as a result of this revision.

(b) In the event the secretary of state is removed as a cabinet office in the 1998 general election, the term "custodian of

state records” shall be substituted for the term “secretary of state” throughout the constitution and the duties previously performed by the secretary of state shall be as provided by law.

**History.**—Proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**Note.**—This section, originally designated section 22 by Revision No. 8 of the Constitution Revision Commission, 1998, was redesignated section 24 by the editors in order to avoid confusion with section 22 as created in H.J.R. 969, 1997.

**SECTION 25. Schedule to Article V amendment.—**

(a) Commencing with fiscal year 2000-2001, the legislature shall appropriate funds to pay for the salaries, costs, and expenses set forth in the amendment to Section 14 of Article V pursuant to a phase-in schedule established by general law.

(b) Unless otherwise provided herein, the amendment to Section 14 shall be fully effectuated by July 1, 2004.

**History.**—Proposed by Constitution Revision Commission, Revision No. 7, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**Note.**—This section, originally designated section 22 by Revision No. 7 of the Constitution Revision Commission, 1998, was redesignated section 25 by the editors in order to avoid confusion with section 22 as created in H.J.R. 969, 1997.

**SECTION 26. Increased homestead exemption.—**The amendment to Section 6 of Article VII increasing the maximum additional amount of the homestead exemption for low-income seniors shall take effect January 1, 2007.

**History.**—Added, H.J.R. 353, 2006; adopted 2006.

**SECTION 27. Property tax exemptions and limitations on property tax assessments.—**The amendments to Sections 3, 4, and 6 of Article VII, providing a \$25,000 exemption for tangible personal property, providing an additional \$25,000 homestead exemption, authorizing transfer of the accrued benefit from the limitations on the assessment of homestead property, and this section, if submitted to the electors of this state for approval or rejection at a special election authorized by law to be held on January 29, 2008, shall take effect upon approval by the electors and shall operate retroactively to January 1, 2008, or, if submitted to the electors of this state for approval or rejection at the next general election, shall take effect January 1 of the year following such general election. The amendments to Section 4 of Article VII creating <sup>1</sup>subsections (f) and (g) of that section, creating a limitation on annual assessment increases for specified real property, shall take effect upon approval of the electors and shall first limit assessments beginning January 1, 2009, if approved at a special election held on January 29, 2008, or

shall first limit assessments beginning January 1, 2010, if approved at the general election held in November of 2008. <sup>1</sup>Subsections (f) and (g) of Section 4 of Article VII are repealed effective January 1, 2019; however, the legislature shall by joint resolution propose an amendment abrogating the repeal of <sup>1</sup>subsections (f) and (g), which shall be submitted to the electors of this state for approval or rejection at the general election of 2018 and, if approved, shall take effect January 1, 2019.

**History.**—Added, C.S. for S.J.R. 2-D, 2007; adopted 2008.

**Note.**—Subsections (f) and (g) of s. 4, Art. VII of the State Constitution, as created by S.J.R. 2-D, 2007, adopted January 29, 2008, were redesignated as subsections (g) and (h) by Revision No. 4, Taxation and Budget Reform Commission, adopted November 4, 2008.

**SECTION 28. Property tax exemption and classification and assessment of land used for conservation purposes.—**The amendment to Section 3 of Article VII requiring the creation of an ad valorem tax exemption for real property dedicated in perpetuity for conservation purposes, and the amendment to Section 4 of Article VII requiring land used for conservation purposes to be classified by general law and assessed solely on the basis of character or use for purposes of ad valorem taxation, shall take effect upon approval by the electors and shall be implemented by January 1, 2010. This section shall take effect upon approval of the electors.

**History.**—Proposed by Taxation and Budget Reform Commission, Revision No. 4, 2008, filed with the Secretary of State April 28, 2008; adopted 2008.

**SECTION 29. Limitation on the assessed value of real property used for residential purposes.—**

(a) The repeal of the renewable energy source property tax exemption in Section 3 of Article VII shall take effect upon approval by the voters.

(b) The amendment to Section 4 of Article VII authorizing the legislature to prohibit an increase in the assessed value of real property used for residential purposes as the result of improving the property’s resistance to wind damage or installing a renewable energy source device shall take effect January 1, 2009.

**History.**—Proposed by Taxation and Budget Reform Commission, Revision No. 3, 2008, filed with the Secretary of State April 28, 2008; adopted 2008.

**SECTION 30. Assessment of working waterfront property.—**The amendment to Section 4 of Article VII providing for the assessment of working waterfront property based on current use, and this section, shall take effect upon approval by the electors and

shall first apply to assessments for tax years beginning January 1, 2010.

**History.**—Proposed by Taxation and Budget Reform Commission, Revision No. 6, 2008, filed with the Secretary of State April 28, 2008; adopted 2008.

**SECTION 31. Additional ad valorem tax exemption for certain members of the armed forces deployed on active duty outside of the United States.**—The amendment to Section 3 of Article VII providing for an additional ad valorem tax exemption for members of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard deployed on active duty outside of the United States in support of military operations designated by the legislature and this section shall take effect January 1, 2011.

**History.**—Added, H.J.R. 833, 2009; adopted 2010.

**SECTION 32. Veterans disabled due to combat injury; homestead property tax discount.**—The amendment to subsection

(e) of Section 6 of Article VII relating to the homestead property tax discount for veterans who became disabled as the result of a combat injury shall take effect January 1, 2013.

**History.**—Added, S.J.R. 592, 2011; adopted 2012.

**<sup>1</sup>SECTION 33. Ad valorem tax relief for surviving spouses of veterans who died from service-connected causes and first responders who died in the line of duty.** This section and the amendment to Section 6 of Article VII permitting the legislature to provide ad valorem tax relief to surviving spouses of veterans who died from service-connected causes and first responders who died in the line of duty shall take effect January 1, 2013.

**History.**—Added, H.J.R. 93, 2012; adopted 2012.

**<sup>1</sup>Note.**—This section, originally designated section 32 by H.J.R. 93, 2012, was redesignated section 33 by the editors in order to avoid confusion with section 32 as created in S.J.R. 592, 2011.



# INDEX

## FOREWORD

In the index to the Florida Constitution, “A” refers to the Article of the Constitution and “S” refers to the Section within the Article. This index includes references to the Constitution of 1885 when that Constitution is incorporated by reference in the present Constitution.

### A

#### ABORTION

Minors, prior notification of parent, A10 S22

#### AD VALOREM TAXES

See TAXATION

**ADMINISTRATION, STATE BOARD OF**, A4 S4(e),  
A12 S9(a), (c)

#### ADMINISTRATIVE AGENCIES

Judicial review, administrative action, A5 S3(b), A5 S4(b),  
A5 S5(b)  
Penalties, imposition of, A1 S18  
Quasi-judicial power, A5 S1  
Sentence of imprisonment, A1 S18  
Utilities regulation, Supreme Court review, A5 S3(b)

**ADVERSE MEDICAL INCIDENTS**, A10 S25

#### AGRICULTURE, COMMISSIONER OF

(See also CABINET)

Agricultural matters, supervision, A4 S4(d)  
Cabinet, member, A4 S4(a)  
Election, A4 S5(a)  
Impeachment, A3 S17(a)  
Internal improvement trust fund, trustee, A4 S4(f)  
Land acquisition trust fund, trustee, A4 S4(f)  
Law Enforcement, Department of; agency head, A4 S4(g)  
Office location, A2 S2  
Powers and duties, A4 S4(a), (d)  
Qualifications, A4 S5(b)  
Term of office, A4 S5(a)

**AIR POLLUTION**, A2 S7(a), A4 S9, A7 S14

**AIRCRAFT**, A7 S1(b)

**AIRPORTS**, A7 S10(c)

**ALCOHOLIC BEVERAGES**, A8 S5(a), A8 S6(b)

**ALIENS**, A1 S2

#### AMENDMENT

Constitutional convention, A11 S4, A11 S5(a)  
Effective date, A11 S5(e)  
Election for approval, A11 S5  
House of Representatives, proposed term of office,  
A12 S14  
Initiatives, A11 S3, A11 S5(b), (c)  
Legislative joint resolution, A11 S1, A11 S5(a)

#### AMENDMENT (Cont.)

Publication, A11 S5(d)  
Revision commission, A11 S2, A11 S5(a)  
Taxation and Budget Reform Commission, A11 S5(a),  
A11 S6(e)

#### APPORTIONMENT OF LEGISLATURE

See LEGISLATURE

#### APPROPRIATIONS

Bond debt service, A7 S11(b)  
Clerks of circuit and county courts, A5 S14(b)  
Current state expenses, A3 S12  
Education lottery funds, A10 S15  
Fish and Wildlife Conservation Commission, A4 S9  
General appropriation bills, A3 S8, A3 S12, A3 S19(b), (d)  
High speed ground transportation system, A10 S19  
Itemization requirements, A3 S19(b)  
Legislative Budget Commission, duties, A3 S19(c)  
Local government aid, A7 S8  
Mandated expenditure of funds by local governments,  
A7 S18(a)  
Money drawn from state treasury, A7 S1(c)  
Public defenders' offices, A5 S14(a), A12 S25  
Recurring purposes appropriations made from nonrecurring  
general revenue funds, limitation, A3 S19(a)  
Review period, A3 S19(d)  
Salaries for public officers, A3 S12  
School district aid, A7 S8  
State attorneys' offices, A5 S14(a), A12 S25  
State courts system, A5 S14(a), (d), A12 S25  
State school fund, A9 S6  
Tobacco Education and Prevention Program, A10 S27(b)  
Veto, A3 S8, A3 S19(b)

#### ARMED FORCES

See MILITIA

**ARMS, RIGHT TO BEAR**, A1 S8(a)

**ASSEMBLY, RIGHT OF**, A1 S5

**ATTAINDER, BILLS OF**, A1 S10, A1 S17

#### ATTORNEY GENERAL

(See also CABINET)

Administration, State Board of; member, A4 S4(e)  
Cabinet, member, A4 S4(a)  
Chief legal officer of state, A4 S4(b)  
Constitution Revision Commission, member, A11 S2(a)  
Election, A4 S5(a)  
Impeachment, A3 S17(a)  
Initiative petitions, requesting Supreme Court advisory  
opinion, A4 S10, A5 S3(b)

**ATTORNEY GENERAL (Cont.)**

Internal improvement trust fund, trustee, A4 S4(f)  
 Land acquisition trust fund, trustee, A4 S4(f)  
 Law Enforcement, Department of; agency head, A4 S4(g)  
 Legislative apportionment  
   Judicial reapportionment petition, A3 S16(b), (e)  
   Judicial review petition, A3 S16(c), (e)  
 Minimum wage, enforcement authority, A10 S24(e)  
 Office location, A2 S2  
 Powers and duties, A4 S4(a), (b)  
 Qualifications, A4 S5(b)  
 Recreation development bond validation proceedings,  
   A12 S9(a)  
 Statewide prosecutor, appointment, A4 S4(b)  
 Term of office, A4 S5(a)

**ATTORNEYS-AT-LAW**

Admission to practice, A5 S15  
 Bar, *See* FLORIDA BAR  
 Court-appointed counsel, funding, A5 S14(a), A12 S25  
 Criminal defendants, right to counsel, A1 S16(a)  
 Discipline, A5 S15

**ATTORNEYS' FEES**, A1 S26, A10 S24(e)

**AUDITOR**, A3 S2

**B**

**BEACHES**, A10 S11, A10 S28(b)

**BILLS OF ATTAINDER**, A1 S10, A1 S17

**BLIND PERSONS**, A7 S3(b)

**BOATS**

License tax, A7 S1(b)  
 Vessel launches, marinas, and marine manufacturing  
 facilities; tax assessments, A7 S4(j), A12 S30

**BOND (PUBLIC OFFICERS)**, A2 S5(b)

**BONDS**

Airports, A7 S10(c)  
 Bridges, A7 S17  
 Capital projects, A7 S10(c), A7 S11(a), (d), A7 S12(a),  
   A12 S9  
 Certificates of indebtedness, A7 S12  
 Conservation and recreation lands, acquisition and  
 improvement, A7 S11(e), A12 S9(a)  
 Counties, A7 S10(c), A7 S12  
 Debt limitation, A7 S11(a), A7 S14(e), A7 S16(c), A12 S9(e)  
 Faith and credit of state, pledging, A7 S11(a), (c),  
   A7 S14(a), A7 S16(b), A7 S17, A12 S9  
 Fixed capital outlay projects, A7 S11(a), (d)  
 Historic preservation, A7 S11(e)  
 Housing and related facilities, A7 S16, A12 S18  
 Industrial or manufacturing plants, A7 S10(c)  
 Issued pursuant to 1885 Constitution, A12 S8  
 Local bonds, A7 S10(c), A7 S12  
 Motor vehicle license revenue anticipation certificates,  
   A12 S9(d)  
 Municipalities, A7 S10(c), A7 S12  
 Outdoor recreation development, A7 S11(e), A12 S9(a)  
 Pollution control and abatement facilities, A7 S14  
 Port facilities, A7 S10(c)  
 Public education, A7 S12, A12 S9(a), (d)  
 Refunding bonds, A7 S11(a), A7 S12(b), A12 S9  
 Revenue bonds  
   Airports, A7 S10(c)

**BONDS (Cont.)**

Revenue bonds (Cont.)  
 Capital projects, A7 S11(d), A12 S9(b)  
 Conservation and recreation lands, acquisition and  
 improvement, A7 S11(e), A12 S9(a)  
 Debt service on bonds, A10 S28(b)  
 Historic preservation, A7 S11(e)  
 Housing and related facilities, A7 S16, A12 S18  
 Industrial or manufacturing plants, A7 S10(c)  
 Legislative approval of project, A7 S11(f)  
 Pollution control and abatement facilities, A7 S14  
 Port facilities, A7 S10(c)  
 Refunding bonds, A12 S9(b), (c), (d)  
 Repayment, source of funds, A7 S11(d)  
 Student loans, A7 S15  
 Waste disposal facilities, A7 S14  
 Water facilities, A7 S14  
 Water resource development, A7 S11(e)  
 Roads and highways, A7 S17, A12 S9(b), (c)  
 Sale, combining issues, A7 S11(c)  
 School capital outlay projects, A7 S12, A12 S9(a), (d)  
 School districts, A7 S12  
 Special districts, A7 S10(c), A7 S12  
 State bonds, A7 S11, A7 S14, A7 S15, A7 S16, A7 S17,  
   A12 S9  
 Student loans, A7 S15  
 Tax anticipation certificates, A7 S12  
 Tax levies for payment of debt  
   Ad valorem taxes, A7 S12  
   Gross receipts tax, utility services, A12 S9(a)  
   Second gas tax, A12 S9(c)  
 Transportation rights-of-way, A7 S17  
 Validation, A5 S3(b)  
 Voter approval, A7 S11(a), A7 S12(a)  
 Waste disposal facilities, A7 S14  
 Water facilities, A7 S14  
 Water resource development, A7 S11(e)

**BOUNDARIES (STATE)**, A2 S1

**BRANCHES OF GOVERNMENT**, A2 S3

**BRIDGES**, A7 S17

**BROWARD COUNTY**, A10 S23

**BUDGETING**

Adjustments without concurrence of full legislature,  
   A3 S19(c)  
 Budget stabilization fund, A3 S19(g), A7 S1(e)  
 Governor, responsibility, A4 S1(a), A4 S13  
 Legislative Budget Commission, A3 S19(c), (j)  
 Reductions to meet revenue shortfalls, A3 S19(h), A4 S13  
 State budgeting processes, A3 S19, A7 S1(e)

**C****CABINET**

Appointment or removal of officers, approval, A4 S6(a)  
 Civil rights, restoration, A4 S8(a)  
 Clemency, A4 S8(a)  
 Composition, A4 S4(a)  
 Creation, A4 S4(a)  
 Election of members, A4 S5(a)  
 Executive departments, supervision, A4 S6  
 High speed ground transportation system, development,  
   A10 S19  
 Impeachment of members, A3 S17(a)  
 Incapacity of Governor, A4 S3(b)  
 Offices of members, A2 S2

**CABINET** (Cont.)

- Pardons, A4 S8(a)
- Qualifications of members, A4 S5(b)
- Revenue shortfalls, budget reductions, A4 S13
- Term limitations on members, A6 S4(b)
- Terms of members, A4 S5
- Tie vote among members, A4 S4(a)

**CAMPAIGN FINANCING**, A2 S8(b), A6 S7**CANDIDATES**

- See ELECTIONS

**CAPITAL**, A2 S2**CAPITAL OFFENSES**

- Death penalty, A1 S17, A5 S3(b)
- Homicide victims, rights of next of kin, A1 S16(b)
- Presentment or indictment, A1 S15
- Pretrial detention, A1 S14

**CAPITAL PROJECTS**

- Airports, A7 S10(c)
- Bridges, A7 S17
- Fixed capital outlay projects, bond financing, A7 S11(a), (d)
- High speed ground transportation system, A10 S19
- Housing and related facilities, A7 S16
- Industrial and manufacturing plants, A7 S10(c)
- Legislative approval, A7 S11(f)
- Local governments, bond financing, A7 S10(c), A7 S12(a)
- Outdoor recreation facilities, A12 S9(a)
- Pollution control facilities, A7 S14
- Port facilities, A7 S10(c)
- Public education, A12 S9(a), (d)
- Roads and highways, A7 S17, A12 S9(b), (c)
- Schools, A12 S9(a), (d)
- State, bond financing, A7 S11(a), (d), A7 S14, A7 S16, A7 S17, A12 S9
- Transportation rights-of-way, A7 S17, A10 S19
- Turnpike authority, A12 S9(b)
- Waste disposal facilities, A7 S14
- Water facilities, A7 S14

**CENSUS**, A3 S16(a), A8 S1(e), A10 S8, A12 S13**CERTIORARI, WRIT OF**, A5 S4(b), A5 S5(b)**CHARITIES**, A7 S3(a)**CHIEF FINANCIAL OFFICER**

- (See also CABINET)
- Administration, State Board of; member, A4 S4(e)
- Cabinet, member, A4 S4(a)
- Chief fiscal officer of state, A4 S4(c)
- Constitutional office, designation as, A12 S24(a)
- Election, A4 S5(a)
- Impeachment, A3 S17(a)
- Internal improvement trust fund, trustee, A4 S4(f)
- Land acquisition trust fund, trustee, A4 S4(f)
- Law Enforcement, Department of; agency head, A4 S4(g)
- Office location, A2 S2
- Powers and duties, A4 S4(a), (c)
- Qualifications, A4 S5(b)
- State funds and securities, maintenance, A4 S4(c)
- Term of office, A4 S5(a)

**CHILDREN**

- Abortions involving minors, prior notification of parent, A10 S22
- Adoption or legitimation, special laws pertaining to, A3 S11(a)

**CHILDREN** (Cont.)

- Juvenile delinquency proceedings, A1 S15(b)
- Relief from legal disabilities, special laws pertaining to, A3 S11(a)
- Tobacco Education and Prevention Program, A10 S27

**CIRCUIT COURTS**

(See also COURTS)

- Administrative action, review, A5 S5(b)
- Administrative supervision, A5 S2(d)
- Appeal of judgments and orders, A5 S3(b), A5 S4(b)
- Appellate jurisdiction, A5 S4(b), A5 S5(b), A5 S20(c)
- Chief judge
  - Assignment of judges, A5 S2(b)
  - Discipline panel for Supreme Court justice, A5 S12(e)
  - Emergency hospitalizations, authority delegation to county court judges, A5 S20(c)
  - Location of court proceedings, designation, A5 S7, A5 S20(c)
  - Responsibilities, A5 S2(d)
  - Selection, A5 S2(d)
- Clerk, A5 S14(b), (c), A5 S16, A8 S1(d)
- Death penalty, A5 S3(b)
- Divisions, A5 S7, A5 S20(c)
- Hearings, A5 S7
- Judges
  - (See also JUDGES)
  - Chief judge, See subtitle Chief judge, this heading
  - Election, A5 S10(b), A5 S11(b)
  - Impeachment, A3 S17(a)
  - Judges of abolished courts, A5 S20(d)
  - Merit selection, local option, A5 S10(b) Number, A5 S20(d)
  - Retention, local option, A5 S10(b)
  - Term of office, A5 S10(b), A5 S11(b)
  - Vacancy in office, A5 S11(b)
- Judicial circuits, See JUDICIAL CIRCUITS
- Judicial power vested in, A5 S1
- Jurisdiction, A5 S5(b), A5 S20(c)
- Organization, A5 S5(a)
- Prosecuting officer, A5 S17
- Trials, location, A5 S7
- Writs, power to issue, A5 S5(b)

**CIVIL ACTIONS**

- Defamation, A1 S4
- Due process of law, A1 S9
- Minimum wage violations, A10 S24(e)
- Special laws pertaining to, A3 S11(a)
- Suits against state, A10 S13
- Validity upon adoption of constitutional revision, A12 S7

**CIVIL RIGHTS**

- Declaration of rights, A1
- Restoration, A4 S8(a), A6 S4(a)
- Voting and elections, See ELECTIONS

**CIVIL SERVICE SYSTEM**, A3 S14**CIVIL TRAFFIC HEARING OFFICERS**, A5 S1**CLEMENCY**, A4 S8**CLERKS OF CIRCUIT COURTS**, A5 S14(b), (c), A5 S16, A8 S1(d)**COAST GUARD**, A7 S3(g), A12 S31**COLLECTIVE BARGAINING**, A1 S6

**COLLEGES AND UNIVERSITIES**

Community colleges and junior colleges, A7 S15(a), A12 S9(a), (d)  
 Institutions of higher learning, A7 S15(a), A9 S1(a), A12 S9(a)

**COMMISSIONER OF AGRICULTURE**

See AGRICULTURE, COMMISSIONER OF

**COMMISSIONER OF EDUCATION**

See EDUCATION, COMMISSIONER OF

**COMMISSIONS, A5 S1****COMMUNICATIONS, INTERCEPTION, A1 S12****COMMUNITY COLLEGES, A7 S15(a), A12 S9(a), (d)****COMMUNITY DEVELOPMENT, A7 S3(c)****CONSERVATION**

Natural resources, See NATURAL RESOURCES

**CONSTITUTION OF 1885****Bonds**

Institutions of higher learning and junior college capital outlay, A12 S9(a)  
 Outdoor recreation development, A12 S9(a)  
 Provisions retained until payment in full, A12 S8  
 Roads and highways, A12 S9(c)  
 School capital outlay, A12 S9(d)  
 County courts, A5 S20(c)  
 Criminal sentences, A12 S7(a)  
 Dade County, home rule charter, A8 S6(e)  
 Gross receipts taxes, A12 S9(a)  
 Hillsborough County, home rule charter, A8 S6(e)  
 Jacksonville and Duval County, consolidation, A8 S6(e)  
 Judges, A5 S20(d)  
 Judiciary provisions, repeal, A5 S20(a)  
 Key West and Monroe County, consolidation, A8 S6(e)  
 Local government, A8 S6(a), (e)  
 Motor vehicle fuel taxes, A12 S9(c)  
 Motor vehicle license revenues, A12 S9(d)  
 Provisions conflicting with revision, A12 S17  
 Provisions reverting to statutes, A5 S20(g), A12 S10  
 Provisions superseded, A12 S1  
 Superintendents of public instruction, A12 S5(b), A12 S6(b)  
 Taxes, penalties, fines, and forfeitures owed to state, A12 S7(a)

**CONSTITUTION REVISION COMMISSION, A2 S5(a), A11 S2, A11 S5(a)****CONSTITUTION (UNITED STATES)**

See UNITED STATES

**CONSTITUTIONAL CONVENTION, A2 S5(a), A11 S4, A11 S5(a)****CONSTRUCTION, RULES OF, A10 S12****CONTEMPT, A3 S4(d), A3 S5****CONTRACTS**

Laws impairing, A1 S10  
 Special laws pertaining to, A3 S11(a)  
 Validity upon adoption of constitutional revision, A12 S7

**CORPORATIONS**

Income tax, A7 S5(b)

**CORPORATIONS (Cont.)**

Public credit or taxing power in aid of, A7 S10  
 Rights and obligations, validity upon adoption of constitutional revision, A12 S7  
 Special laws pertaining to, A3 S11(a)

**COUNTIES**

Abolishment, A8 S1(a)  
 Ad valorem taxation, A7 S9, A7 S12, A12 S2  
 Alcoholic beverage sales, A8 S5(a), A8 S6(b)  
 Boards of county commissioners  
   Composition, A8 S1(e)  
   Districts, A8 S1(e)  
   Election, A8 S1(e)  
   Ex officio clerks, A5 S16, A8 S1(d)  
   Terms of office, A8 S1(e)  
 Bond financing, A7 S10(c), A7 S12  
 Branch offices, A8 S1(k)  
 Broward County, slot machines in existing pari-mutuel facilities, A10 S23  
 Change of, A8 S1(a)  
 Charter, A8 S1(c), (g)  
 Civil service system, A3 S14  
 Consolidation of local governments, A8 S3, A8 S6(e)  
 County courts, See COUNTY COURTS  
 County seat, A8 S1(k), A8 S6(b)  
 Court-appointed counsel, funding, A5 S14(c)  
 Creation, A8 S1(a)  
 Credit, pledging, A7 S10  
 Dade County, home rule powers, A8 S6(e), (f)  
 Districts, county commissioner, A8 S1(e)  
 Duval County, consolidation, A8 S6(e)  
 Electors, A6 S2  
 Electric generation and transmission facilities, A7 S10(d)  
 Firearms sales, criminal history records check and waiting period, A8 S5(b)  
 Funds  
   Care, custody, and disbursement, A8 S1(b)  
   Custodian, A5 S16, A8 S1(d)  
   Investment, A7 S10  
 Governing bodies, A8 S1(e)  
 Government  
   Charter, A8 S1(c), (g)  
   Noncharter, A8 S1(f)  
 Hillsborough County, home rule charter, A8 S6(e)  
 Home rule, A8 S6(e), (f)  
 Indebtedness, certificates of, A7 S12  
 Joint ownership with private entities, A7 S10  
 Leon County, seat of government, A2 S2  
 Local option, alcoholic beverage sales, A8 S5(a), A8 S6(b)  
 Mandated expenditure of funds, funding by Legislature, A7 S18(a)  
 Meetings, access to, A1 S24(b)  
 Miami-Dade County, slot machines in existing pari-mutuel facilities, A10 S23  
 Monroe County, consolidation, A8 S6(e)  
 Motor vehicle fuel tax, allocation, A12 S9(c)  
 Municipal services, taxes for, A7 S9(b)  
 Officers  
   Abolishment of office, A8 S1(d)  
   Auditor, A5 S16, A8 S1(d)  
   Bond, A2 S5(b)  
   Clerk of circuit court, A5 S14(b), (c), A5 S16, A8 S1(d)  
   Commissioners, See subtitle Boards of county commissioners, this heading  
   Compensation, A2 S5(c)  
   Continuance in office, A8 S6(c)  
   Election, A6 S5, A8 S1(d)  
   Holding other offices, A2 S5(a)  
   Oath of office, A2 S5(b)  
   Office and records, location, A8 S1(k)  
   Performance of municipal functions, A8 S6(b)

**COUNTIES** (Cont.)

## Officers (Cont.)

Powers and duties, A2 S5(b), (c)  
 Property appraiser, A8 S1(d)  
 Prosecuting attorney, A5 S20(d)  
 Recorder, A5 S16, A8 S1(d)  
 Selection, A8 S1(d), A8 S6(b)  
 Sheriff, A8 S1(d)  
 Solicitor, A5 S20(d)  
 Supervisor of elections, A8 S1(d)  
 Suspension, A4 S7(a), (b)  
 Tax collector, A8 S1(d)  
 Terms of office, A8 S1(d)  
 Vacancy in office, A4 S1(f)

## Ordinances

Charter government, A8 S1(g)  
 Community and economic development tax exemptions, A7 S3(c)  
 Conflict with municipal ordinances, A8 S1(f), (g)  
 Effective date, A8 S1(i)  
 Historic properties, A7 S3(d), A7 S4(e), A12 S22  
 Homestead property tax exemption for elderly persons, A7 S6(d)  
 Local laws, amendment or repeal, A8 S6(d)  
 Noncharter government, A8 S1(f)  
 Violations, A8 S1(j)  
 Pari-mutuel tax revenue, A7 S7  
 Pollution control facilities, state bond financing, A7 S14  
 Public defenders' offices, funding, A5 S14(c)  
 Recording of documents, A8 S1(k)  
 Reduction of authority to raise revenue, legislative approval, A7 S18(b)  
 Roads and highways, A12 S9(c)  
 Second gas tax, allocation, A12 S9(c)  
 Self-government powers, A8 S1(f), (g)  
 State aid, A7 S8  
 State attorneys' offices, funding, A5 S14(c)  
 State tax revenues, legislative approval of reduction, A7 S18(c)  
 Status, continuation upon adoption of Constitution, A8 S6(b)  
 Tax anticipation certificates, A7 S12  
 Taxes, A7 S4(f), A7 S9, A12 S2  
 Taxing power, limitation, A7 S10, A8 S1(h)  
 Transfer of function or power, A8 S4  
 Trial courts, funding, A5 S14(c)  
 Waste disposal facilities, state bond financing, A7 S14  
 Water facilities, state bond financing, A7 S14

**COUNTY COURTS**

(See also COURTS)

Administrative supervision, A5 S2(d)  
 Appeal of judgments and orders, A5 S3(b), A5 S4(b)  
 Clerks, A5 S14(b), (c), A5 S16, A5 S20(c)  
 Divisions, A5 S7, A5 S20(c)  
 Fines and forfeitures, A5 S20(c)  
 Hearings, A5 S7  
 Judges  
 (See also JUDGES)  
 Bar membership, A5 S8, A5 S20(c), (d)  
 Election, A5 S10(b), A5 S11(b)  
 Impeachment, A3 S17(a)  
 Judges of abolished courts, A5 S20(d)  
 Merit selection, local option, A5 S10(b)  
 Nonjudicial duties, A5 S20(f)  
 Number, A5 S6(a), A5 S20(d)  
 Retention, local option, A5 S10(b)  
 Term of office, A5 S10(b), A5 S11(b)  
 Vacancy in office, A5 S11(b)  
 Judicial power vested in, A5 S1  
 Jurisdiction, A5 S6(b), A5 S20(c)  
 Location, A5 S7, A5 S20(c)  
 Organization, A5 S6(a)

**COUNTY COURTS** (Cont.)

Trials, location, A5 S7, A5 S20(c)

**COURTS**

Access to, A1 S21  
 Administrative supervision, A5 S2  
 Appeals, A5 S2(a), A5 S3, A5 S4, A5 S5(b)  
 Appellate districts, See DISTRICT COURTS OF APPEAL  
 Attorneys, admission to practice and discipline, A5 S15  
 Bar, See FLORIDA BAR  
 Budgeting processes, A3 S19(a), (c)  
 Chief administrative officers, A5 S2(b)  
 Circuit courts, See CIRCUIT COURTS  
 County courts, See COUNTY COURTS  
 Courts-martial, A1 S15(a), A1 S18, A5 S1  
 Dismissal of cause, improper remedy sought, A5 S2(a)  
 District courts of appeal, See DISTRICT COURTS OF APPEAL  
 Divisions, A5 S7, A5 S20(c)  
 Establishment, A5 S1  
 Funding, A5 S14  
 Generally, A5  
 Hearings, A5 S7  
 Judges and justices, See JUDGES  
 Judicial circuits, See JUDICIAL CIRCUITS  
 Judicial nominating commissions, A5 S11, A5 S20(c)  
 Judicial office, justices, and judges; construction of terms, A10 S12(f)  
 Judicial power, A2 S3, A5 S1  
 Judicial Qualifications Commission, A2 S8(f), A5 S12, A5 S20(e)  
 Juries and jurors, See JURIES  
 Jurisdiction  
 Abolished courts, A5 S20(d)  
 Circuit courts, A5 S5(b), A5 S20(c)  
 County courts, A5 S6(b), A5 S20(c)  
 District courts of appeal, A5 S4(b), A5 S20(c)  
 Municipal courts, A5 S20(d)  
 Supreme Court, A5 S3(b), A5 S20(c)  
 Transfer, jurisdiction of court improvidently invoked, A5 S2(a)  
 Justice administration without sale, denial, or delay, A1 S21  
 Military courts, A1 S15(a)  
 Municipal courts, A5 S20(d)  
 Open for redress of injury, A1 S21  
 Planning processes and planning documents, A3 S19(a), (h)  
 Records of judicial branch, access to, A1 S24  
 Rules of practice and procedure, A5 S2(a), A5 S11(d)  
 Supreme Court, See SUPREME COURT  
 Transition provisions, A5 S20  
 Trials, See TRIALS  
 Writs, power to issue, A5 S3(b), A5 S4(b), A5 S5(b)

**COVERTURE**, A10 S5**CREDIT, PLEDGING OF**

Housing bonds, A7 S16(b)  
 Joint ownership with private entity, A7 S10  
 State bonds, A7 S11(a), (c), A7 S14(a), A7 S17, A12 S9

**CRIMINAL OFFENSES**

Accused, rights of, A1 S16(a), A1 S19  
 Bills of attainder, A1 S10, A1 S17  
 Breach of public trust, A2 S8(d)  
 County ordinance violations, A6 S1(j)  
 Criminal statutes, effect of repeal or amendment, A10 S9  
 Defamation, A1 S4  
 Ex post facto laws, A1 S10  
 Felony  
 Definition, A10 S10  
 Disqualification from vote and public office, A6 S4(a)

**CRIMINAL OFFENSES (Cont.)**

- Felony (Cont.)
  - Prosecution, A1 S15(a)
  - Public officer or employee, forfeiture of retirement rights and privileges, A2 S8(d)
- Fraud, imprisonment for debt, A1 S11
- Handgun purchases, waiting period violations, A1 S8(c)
- Homicide victims, rights of next of kin, A1 S16(b)
- Juvenile offenders, A1 S15(b)
- Marine net fishing violations, A10 S16(e)
- Penalties, *See* PUNISHMENT
- Pigs, cruel and inhumane confinement during pregnancy, A10 S21(d)
- Prosecution, *See* CRIMINAL PROSECUTION
- Treason, A1 S20, A4 S8(b)
- Victims' rights, A1 S16(b)

**CRIMINAL PROSECUTION**

- Accused, rights of, A1 S16(a), A1 S19
- Capital crime, A1 S15(a)
- Communications, unreasonable interception of, A1 S12
- Costs, payment by accused, A1 S19
- Counsel, right to, A1 S16(a)
- County ordinance violations, A8 S1(j)
- Criminal statutes, effect of repeal or amendment, A10 S9
- Defamation, A1 S4
- Defendants, rights of, A1 S16(a), A1 S19
- Double jeopardy, A1 S9
- Due process of law, A1 S9
- Evidence, inadmissible, A1 S12
- Felonies, A1 S15(a)
- Grand jury, A1 S15(a)
- Indictment or information, A1 S15(a), A1 S16(a)
- Jurors, A1 S22, A3 S11(a)
- Juvenile offenders, A1 S15(b)
- Penalties, *See* PUNISHMENT
- Pretrial release and detention, A1 S14
- Search and seizure, unreasonable, A1 S12
- Search warrants, A1 S12
- Self-incrimination, A1 S9
- Special laws pertaining to, A3 S11(a)
- Statewide prosecutor, A4 S4(b)
- Treason, A1 S20
- Trial by jury, A1 S16(a), A1 S22
- Venue, A1 S16(a), A3 S11(a)
- Victims' rights, A1 S16(b)
- Witness against oneself, A1 S9
- Witnesses, A1 S9, A1 S16(a)

**CURTESY, A10 S5****CUSTODIAN OF STATE RECORDS**

- Documents received and maintained
  - Constitution revision proposals, A11 S2(c), A11 S4(b)
  - Constitutional amendment initiative petitions, A11 S3
  - Constitutional convention petitions, A11 S4(a)
  - County ordinances, A8 S1(i)
  - Financial interests disclosures, A2 S8(i)
  - Governor's certificates of incapacity or capacity, A4 S3(b)
  - Governor's executive orders of clemency, A4 S8(a)
  - Governor's objections to vetoed bills, A3 S8(b)
  - Governor's orders of suspension of officers, A4 S7(a)
  - Judicial apportionment orders, A3 S16(b), (f)
  - Judicial merit selection and retention petitions, A5 S10(b)
  - Taxation and Budget Reform Commission proposals, A11 S6(e)
- Substitution for term "secretary of state", A12 S24(b)

**D****DEATH PENALTY**

*See* CAPITAL OFFENSES

**DEBT**

- Homestead property, A10 S4(a)
- Imprisonment for, A1 S11
- Public debt
  - Bond financing, *See* BONDS
  - Certificates of indebtedness, A7 S12
  - Consolidation of local governments, A8 S3
  - Counties, A8 S1(a)
  - Incurred under 1885 Constitution, A12 S8
  - Municipalities, A8 S2(a)

**DECLARATION OF RIGHTS, A1****DEEDS OF TRUST, A7 S2****DISABLED PERSONS**

- Discrimination, A1 S2
- Tax exemptions, A7 S3(b), A7 S6(e)

**DISTRICT COURTS OF APPEAL**

(*See also* COURTS)

- Administrative action, direct review, A5 S4(b)
- Administrative supervision, A5 S2(c)
- Appeal of decisions, A5 S3(b)
- Appellate districts
  - Court serving, A5 S4(a)
  - Establishment, A5 S1, A5 S20(c)
  - Redefining, A5 S9
  - Supreme Court justices, residency, A5 S3(a)
- Case consideration, number of judges required, A5 S4(a)
- Certification of cases for Supreme Court review, A5 S3(b)
- Chief judges, A5 S2(c)
- Clerks, A5 S4(c)
- Court-martial decisions, review, A5 S1
- Decisions, A5 S3(b), A5 S4(a)
- Divisions, A5 S7, A5 S20(c)
- Final judgments and orders, review, A5 S4(b)
- Interlocutory orders, review, A5 S4(b)
- Judges
  - Impeachment, A3 S17(a)
  - Number, A5 S4(b)
- Judicial nominating commissions, A5 S11(d)
- Judicial power vested in, A5 S1
- Jurisdiction, A5 S4(b), A5 S20(c)
- Marshals, A5 S4(c)
- Military law questions, advisory opinions, A5 S2(a)
- Organization, A5 S4(a)
- Process, A5 S4(c)
- Rules of procedure, A5 S11(d)
- Trial court judgments and orders, review, A5 S4(b)
- Writs, power to issue, A5 S4(b)

**DISTRICTS**

- Appellate, *See* DISTRICT COURTS OF APPEAL
- Community college, A12 S9(d)
- County commissioner, A8 S1(e)
- Legislative, A3 S1, A3 S15(a), (c), A3 S16(a)
- School, *See* SCHOOL DISTRICTS
- Special, *See* SPECIAL DISTRICTS

**DIVORCE, A3 S11(a)****DOUBLE JEOPARDY, A1 S9****DOWER, A10 S5**

**DUE PROCESS OF LAW**, A1 S9**DUVAL COUNTY**, A8 S6(e)**E****ECONOMIC DEVELOPMENT**, A7 S3(c)**EDUCATION**

- Appointive boards, terms of members, A9 S3
- Bond financing
  - Capital projects, A7 S12, A12 S9(a), (d)
  - Student loans, A7 S15
- Capital outlay funds, A12 S9(a), (d)
- Class size limits, A9 S1(a)
- Commissioner of Education, *See* EDUCATION, COMMISSIONER OF
- Community colleges and junior colleges, A7 S15(a), A12 S9(a), (d)
- Free public schools, A9 S1(a), A9 S2, A9 S4(b), A9 S6
- Health-related training institutions, A7 S15(a)
- Institutions of higher learning, A7 S15(a), A9 S1(a), A12 S9(a)
- Joint educational programs, A9 S4(b)
- Lotteries, A10 S15
- Prekindergarten education, A9 S1(b), (c)
- Property tax exemption, A7 S3(a)
- Public education system, A9 S1(a), A9 S2
- School boards, A9 S4, A9 S5, A12 S9(d)
- School districts, *See* SCHOOL DISTRICTS
- State Board of Education, A9 S2, A12 S9(a), (d)
- State school fund, A9 S6
- Student loans, A7 S15
- Superintendents of public instruction, A12 S4, A12 S5, A12 S6(b)
- Superintendents of schools, A9 S5, A12 S5, A12 S6(b)
- Taxes
  - Gross receipts tax, utility services, A12 S9(a)
  - Property tax exemption, A7 S3(a)
  - School district, A7 S6(a), A7 S9, A9 S4(b)
  - Slot machine revenues, A10 S23(b)
- Tobacco Education and Prevention Program, A10 S27
- Vocational training schools, A7 S15(a), A12 S9(a)

**EDUCATION, COMMISSIONER OF**

- Appointment, A9 S2
- State University System Statewide Board of Governors, membership, A9 S7(d)
- Statutes under 1885 Constitution, applicability, A12 S6(b)
- Superintendent of Public Instruction, transfer of office, A12 S4

**EDUCATION, STATE BOARD OF**, A9 S2, A12 S9(a), (d)**ELDERLY AFFAIRS, DEPARTMENT OF**, A4 S12**ELDERLY PERSONS**

- Tax exemptions, A7 S4(f), A7 S6(d), (e), A12 S26

**ELECTIONS**

- Alcoholic beverage sales, local option, A8 S5(a)
- Bond financing approval, A7 S11(a), A7 S12(a)
- Cabinet members, A4 S5(a)
- Candidates
  - Campaign finances, disclosure, A2 S8(b)
  - Campaign spending limits for statewide offices, A6 S7
  - Congressional districts favoring incumbents, A3 S20
  - Financial interests, disclosure, A2 S8
  - Legislative districts favoring incumbents, A3 S21
  - Minor party or nonparty candidates, A6 S1

**ELECTIONS** (Cont.)

## Candidates (Cont.)

- Public financing of campaigns for statewide offices, A6 S7
- Community and economic development tax exemption ordinances, authorization, A7 S3(c)
- Constitutional amendment or revision, A11 S5
- Constitutional convention question, A11 S4
- County commissioners, A8 S1(e)
- County officers, A8 S1(d)
- Districts, A6 S6
- Electors
  - Disqualification, A6 S4(a)
  - Freeholders, A7 S9(b), A7 S12(a)
  - Oath, A6 S3
  - Qualifications, A6 S2, A6 S4(a)
  - Registration, A6 S1, A6 S3, A6 S6
  - Vote of electors, definition, A10 S12(d)
  - Voting in primary elections, A6 S5(b)
- General elections
  - Cabinet members, A4 S5(a)
  - Constitutional amendment or revision, A11 S5(a)
  - Constitutional convention question, A11 S4(b)
  - Date, A6 S5
  - Emergency, suspension or delay, A6 S5
  - Governor and Lieutenant Governor, A4 S5
  - Superintendents of schools, A9 S5
  - Winner determination, A6 S1
- Governor, A4 S5
- Judges, A5 S10, A5 S11(b)
- Legislators, A3 S1, A3 S2, A3 S15
- Lieutenant Governor, A4 S5(a)
- Municipal elections, A6 S6
- Political party functions, A6 S1
- Primary elections, A4 S5(a), A6 S5(b)
- Referenda, A3 S10, A6 S5, A7 S3(c), A10 S23(a)
- Registration, A6 S1, A6 S3
- School boards, A9 S4(a)
- Secret vote, A6 S1
- Special elections
  - Alcoholic beverage sales, A8 S5(a)
  - Community and economic development tax exemption ordinances, A7 S3(c)
  - Constitutional amendment or revision, A11 S5(a)
  - County charter, A8 S1(c)
  - Regulation, A6 S5
  - Superintendents of schools, A9 S5
  - Supervisors of elections, A8 S1(d)
  - Tax authorization, A7 S9(b)
  - Term limitation, certain elective offices, A6 S4(b)
  - Vote of the electors, definition, A10 S12(d)

**ELECTIONS, SUPERVISORS OF**, A8 S1(d)**ELECTRICAL ENERGY FACILITIES**, A7 S10(d)**EMERGENCIES**

- Budget stabilization fund, withdrawals, A3 S19(g)
- Continuity of government, measures to ensure, A2 S6
- Elections, suspension or delay, A6 S5
- Habeas corpus, suspension of writ, A1 S13
- Seat of government, transfer, A2 S2

**EMINENT DOMAIN**, A10 S6**ENEMY ATTACK**

- See* INVASION

**ENERGY**

- Electrical energy facilities, public support, A7 S10(d)
- Renewable energy source devices, taxation, A7 S4(i), A12 S19, A12 S29

**ENGLISH, OFFICIAL LANGUAGE**, A2 S9

**ENVIRONMENTAL PROTECTION**

*See* NATURAL RESOURCES

**EQUALITY BEFORE THE LAW**, A1 S2

**ESTATE TAX**, A7 S5(a)

**ETHICS, COMMISSION ON**, A2 S8

**ETHICS IN GOVERNMENT**, A2 S8, A3 S18

**EVERGLADES**, A2 S7(b), A10 S17, A10 S28(b)

**EVIDENCE**

Defamation, A1 S4

Inadmissible, A1 S12

Special laws pertaining to, A3 S11(a)

Treason, A1 S20

**EX POST FACTO LAWS**, A1 S10

**EXECUTIVE BRANCH OF GOVERNMENT**

Executive power, A2 S3, A4 S1(a)

Generally, A4

Planning processes and planning documents,

A3 S19(a), (h)

Public records and meetings, access to, A1 S24

**EXECUTIVE DEPARTMENTS**, A4 S6, A12 S16

**EXECUTIVE POWER**, A2 S3, A4 S1(a)

## F

**FEDERAL GOVERNMENT**

*See* UNITED STATES

**FELONIES**

*See* CRIMINAL OFFENSES

**FINANCE**

Appropriation of state funds, *See* APPROPRIATIONS

Bonds, *See* BONDS

Generally, A7

Revenue, *See* REVENUE

State funds, *See* STATE FUNDS

Taxation and Budget Reform Commission, A2 S5(a),

A11 S5(a), A11 S6

Taxes, *See* TAXATION

Trust funds, *See* TRUST FUNDS (PUBLIC)

**FINES AND FORFEITURES**

(*See also* PUNISHMENT)

Administrative penalties, A1 S18

County courts, A5 S20(c)

Excessive, A1 S17

Minimum wage violations, A10 S24(e)

Owing under 1885 Constitution, A12 S7(a)

Remission, A3 S11(a), A4 S8(a)

Suspension, A4 S8(a)

**FIREARMS**

Right to bear arms, A1 S8(a)

Sales, criminal history records check, A8 S5(b)

Waiting period between purchase and delivery,

A1 S8(b), (c), (d), A8 S5(b)

**FIRST RESPONDERS**, A7 S6(f); A12 S33

**FISH AND WILDLIFE CONSERVATION COMMISSION**,

A4 S9, A12 S23

**FISHING**

Commercial fishing property, tax assessments, A7 S4(j),  
A12 S30

Document excise tax proceeds, use for habitat protection,  
A10 S28(b)

Fish and Wildlife Conservation Commission, A4 S9,  
A12 S23

Game and Fresh Water Fish Commission, A12 S23

Marine Fisheries Commission, A12 S23

Marine net fishing, limitations, A10 S16

Special laws pertaining to freshwater fishing, A3 S11(a),  
A4 S9

**FLAG (STATE)**, A2 S4

**FLORIDA BAR**

Attorney General, A4 S5(b)

Attorneys, admission and discipline, A5 S15

County court judges, A5 S8, A5 S20(c), (d)

Judges, A5 S8

Judicial nominating commission members, A5 S20(c)

Judicial Qualifications Commission members, A5 S12(a), (f)

Public defenders, A5 S18

State attorneys, A5 S17

**FREEDOM OF PRESS**, A1 S4

**FREEDOM OF RELIGION**, A1 S3

**FREEDOM OF SPEECH**, A1 S4

## G

**GAMBLING**

Lotteries, A10 S7, A10 S15

Pari-mutuel pools, A10 S7

Pari-mutuel taxes, A7 S7

Slot machines, A10 S23

**GAME AND FRESH WATER FISH COMMISSION**, A12 S23

**GENERAL PROVISIONS**, A2

**GOVERNMENT EFFICIENCY TASK FORCE**, A3 S19(i)

**GOVERNOR**

Acting, A4 S3(b)

Administration, State Board of; chair, A4 S4(e)

Advisory opinions from Supreme Court, A4 S1(c)

Appointments

Constitution Revision Commission, A11 S2(a), (b)

Education, State Board of, A9 S2

Executive officers or boards, A4 S6

Fish and Wildlife Conservation Commission, A4 S9

Government Efficiency Task Force, A3 S19(i)

Judges, A5 S11(a), (b), (c)

Judicial nominating commission, A5 S20(c)

Judicial Qualifications Commission, A5 S12(a)

Militia officers, A10 S2(c)

State universities, local boards of trustees, A9 S7(c)

State University System Statewide Board of Governors,

A9 S7(d)

Taxation and Budget Reform Commission, A11 S6(a)

Vacancies in state or local offices, A3 S17(b), A4 S1(f),

A4 S7

**GOVERNOR (Cont.)**

## Bills

- Executive approval, A3 S8(a)
- Veto, A3 S8, A3 S9, A3 S19(b)
- Budgeting, A4 S1(a), A4 S13
- Capacity, restoration, A4 S3(b)
- Civil rights, restoration, A4 S8(a)
- Clemency, A4 S8(a), (b)
- Commander-in-chief, military forces, A4 S1(a)
- Election, A4 S5(a), (b)
- Executive departments, supervision, A4 S6
- High speed ground transportation system, development, A10 S19
- Impeachment, A3 S17(a), A4 S3(b)
- Impeachment trial, presiding officer, A3 S17(c)
- Incapacity to serve, A4 S3(b)
- Internal improvement trust fund, trustee, A4 S4(f)
- Judicial proceedings, initiation, A4 S1(b)
- Land acquisition trust fund, trustee, A4 S4(f)
- Law Enforcement, Department of; agency head, A4 S4(g)
- Legislature
  - Adjournment of session, A3 S3(f)
  - Apportionment sessions, convening, A3 S16(a), (d)
  - Meetings between Governor and legislative leadership, open to public, A3 S4(e)
  - Message on condition of state, A4 S1(e)
  - Special session, convening, A3 S3(c)
  - Veto of bills, A3 S8, A3 S9, A3 S19(b)
- Lieutenant Governor, assignment of duties, A4 S2
- Militia, calling out, A4 S1(d)
- Office location, A2 S2
- Pardons, A4 S8(a), (b)
- Planning, A3 S19(h), A4 S1(a)
- Powers, generally, A4 S1
- Proclamations
  - Apportionment sessions of Legislature, convening, A3 S16(a), (d)
  - Seat of government, transfer, A2 S2
  - Special session of Legislature, convening, A3 S3(c)
- Qualifications, A4 S5(b)
- Revenue shortfalls, budget reductions, A4 S13
- Seat of government, emergency transfer, A2 S2
- Supreme executive power, A4 S1(a)
- Suspension of officers, A4 S7
- Term limitations, A4 S5(b)
- Term of office, A4 S5(a), (b)
- Vacancy in office, A4 S3(a)

**GRAND JURIES, A1 S15(a)****GRIEVANCES, PETITION FOR REDRESS OF, A1 S5****H****HABEAS CORPUS**

- Circuit courts, A5 S5(b)
- District courts of appeal, A5 S4(b)
- Grantable of right, A1 S13
- Supreme Court, A5 S3(b)
- Suspension, A1 S13

**HANDICAPPED PERSONS**

- Deprivation of rights, A1 S2
- Tax exemptions, A7 S3(b), A7 S6(e)

**HEAD OF FAMILY, A7 S3(b)****HEALTH CARE FACILITIES**

- Adverse medical incidents, patients' right to know, A10 S25

**HIGH SPEED GROUND TRANSPORTATION SYSTEM, A10 S19****HILLSBOROUGH COUNTY, A8 S6(e)****HISTORIC PRESERVATION**

- Ad valorem tax assessments and exemptions, A7 S3(d), A7 S4(e), A12 S22
- Bond financing, A7 S11(e)
- Documents excise tax proceeds, use for protection, A10 S28(b)

**HOME RULE CHARTERS**

- Dade County, A8 S6(e)
- Hillsborough County, A8 S6(e)

**HOMESTEAD PROPERTY**

- Alienation, A10 S4(c)
- Condominiums, A7 S6(a)
- Contractual obligations, A10 S4(a)
- Devise, A10 S4(c)
- Equitable title, A7 S6(a)
- Estate by the entirety, A7 S6(a), A10 S4(c)
- Exemptions
  - Forced sale, A10 S4(a), (b)
  - Judgment lien, A10 S4(a), (b)
- Taxation
  - Elderly persons, A7 S4(f), A7 S6(d), (e), A12 S26
  - Generally, A7 S6, A12 S27
  - Military personnel deployed in support of military operations, A7 S3(g), A12 S31
  - Surviving spouses of deceased veterans or first responders, A7 S6(f), A12 S33
- Extent of property, A10 S4(a)
- Heirs of owner, A10 S4(b)
- Joint ownership, A7 S6(a)
- Leasehold, A7 S6(a)
- Legal title, A7 S6(a)
- Renters, A7 S6(c)
- Stock ownership, A7 S6(a)
- Surviving spouse, A7 S6(f), A10 S4(b), A12 S33
- Taxes and assessments
  - Change of assessments, A7 S4(d)
  - Just value and less than just value assessments, A7 S4(d), A7 S6(a)
  - Limitation on assessments (Save-Our-Homes provisions), A7 S4(d)
  - Living quarters for parents or grandparents, reduction of assessments, A7 S4(f)
  - New homesteads, transfer of Save-Our-Homes benefits, A7 S4(d), A12 S27
  - Sale for taxes, A10 S4(a)
  - Tax exemptions, *See* subtitle Exemptions sub-subtitle Taxation, this heading
  - Veterans disabled due to combat injury, property tax discount, A7 S6(e), A12 S32

**HOMOSEXUAL PERSONS**

- Same-sex marriage, invalidity, A1 S27

**HOUSE OF REPRESENTATIVES**

- See* LEGISLATURE

**HOUSING BONDS, A7 S16, A12 S18****HUNTING, A3 S11(a), A4 S9****HURRICANES**

- Wind damage resistance improvements, taxation, A7 S4(i), A12 S29

## I

**IMPEACHMENT**

Acquittal, A3 S17(b), (c)  
 Cabinet members, A3 S17(a)  
 Civil responsibility of impeached officer, A3 S17(c)  
 Clemency, A4 S8(a)  
 Conviction, A3 S17(c)  
 Criminal responsibility of impeached officer, A3 S17(c)  
 Disqualification from office, A3 S17(b), (c)  
 Governor, A3 S17(a), A4 S3(b)  
 House of Representatives, power to impeach, A3 S17  
 Justices and judges, A3 S17(a), A5 S12(d)  
 Lieutenant Governor, A3 S17(a)  
 Misdemeanor in office, A3 S17(a)  
 Officers liable to impeachment, A3 S17(a)  
 Power, A3 S17(a)  
 Presiding officer, impeachment trial, A3 S17(c)  
 Senate trial, A3 S17(b), (c)  
 Vacancy in office, temporary appointment, A3 S17(b)  
 Vote, A3 S17(a), (c)

**IMPRISONMENT**

(See also PUNISHMENT)  
 Administrative sentence, A1 S18  
 Contempt of Legislature, A3 S5  
 Court-martial, imposition of sentence, A1 S18  
 Debt, sentence for, A1 S11  
 Indefinite, A1 S17  
 Sentences under 1885 Constitution, A12 S7(a)

**INALIENABLE RIGHTS, A1 S2****INCOME TAX, A7 S5****INCOMPETENT PERSONS**

Disqualification from vote and public office, A6 S4(a)  
 Homestead property, alienation, A10 S4(c)

**INDICTMENTS, A1 S15(a), A1 S16(a)****INDUSTRIAL PLANTS, A7 S10(c)****INFORMATIONS, A1 S15(a), A1 S16(a)****INHERITANCE**

Aliens, A1 S2  
 Tax, A7 S5(a)

**INITIATIVES, A11 S3, A11 S5(b), (c)****INSTITUTIONS OF HIGHER LEARNING, A7 S15(a), A9 S1(a), A12 S9(a)****INSURRECTION, A1 S13, A4 S1(a)****INTERNAL IMPROVEMENT TRUST FUND, A4 S4(f)****INVASION**

Continuity of government, measures to ensure, A2 S6  
 Habeas corpus, suspension of writ, A1 S13  
 Militia, calling out, A4 S1(a)  
 Seat of government, transfer, A2 S2

## J

**JACKSONVILLE, CITY OF, A8 S6(e)****JEOPARDY, DOUBLE, A1 S9****JOINT OWNERSHIP**

Governmental body with private entities, A7 S10  
 Homestead property, A7 S6(a)

**JUDGES**

Age limit, A5 S8, A5 S20(e)  
 Appointment, A5 S11(a), (b), (c)  
 Bar membership, A5 S8, A5 S20(c), (d)  
 Circuit courts, See CIRCUIT COURTS  
 Conservators of the peace, A5 S19  
 County courts, See COUNTY COURTS  
 Discipline, A5 S12  
 District courts of appeal, A3 S17(a), A5 S4(a)  
 Election, A5 S10, A5 S11(b)  
 Eligibility, A5 S8, A5 S20(d)  
 Impeachment, A3 S17(a), A5 S12(d)  
 Involuntary retirement, A5 S12(b), (c)  
 Judicial nominating commissions, A5 S11, A5 S20(c)  
 Judicial Qualifications Commission, A2 S8(f), A5 S12, A5 S20(e)  
 Nomination, A5 S11  
 Number, determination, A5 S9  
 Political party office, holding, A5 S13  
 Practice of law, A5 S13  
 Prohibited activities, A5 S13  
 Qualifications, A5 S8, A5 S20(c), (d)  
 Removal from office, A5 S12  
 Reprimand, A5 S12(a)  
 Retention, A5 S10(a)  
 Retired judges, temporary duty, A5 S2(b)  
 Rule of construction, A10 S12  
 Salaries, A5 S14(a), A5 S20(h), A12 S25  
 Supreme Court justices, See SUPREME COURT  
 Suspension, A5 S12(a), (c)  
 Temporary assignments, A5 S2(b), A5 S3(a)  
 Terms of office, A5 S10, A5 S11(a), (b)  
 Transition provisions, A5 S20  
 Vacancy in office, A5 S10(a), A5 S11

**JUDICIAL CIRCUITS**

Chief judges, See CIRCUIT COURTS  
 Circuit courts, generally, See CIRCUIT COURTS  
 Court serving, A5 S5(a)  
 Establishment, A5 S1, A5 S20(c)  
 Judges, generally, See JUDGES  
 Judicial nominating commissions, A5 S11(d), A5 S20(c)  
 Public defenders, A5 S18  
 Redefining, A5 S9  
 Rules of procedure, A5 S11(d)  
 State attorneys, A5 S17  
 Statewide prosecutor, A4 S4(b)

**JUDICIAL NOMINATING COMMISSIONS, A4 S4(b), A5 S11, A5 S20(c)****JUDICIAL POWER, A2 S3, A5 S1****JUDICIAL QUALIFICATIONS COMMISSION, A2 S8(f), A5 S12, A5 S20(e)****JUDICIARY, A5****JUNIOR COLLEGES, A7 S15(a), A12 S9(a), (d)****JURIES**

Grand jury, A1 S15(a)  
 Impartial, right of accused, A1 S16(a)  
 Jurors, qualifications and number, A1 S22  
 Special laws pertaining to, A3 S11(a)  
 Trial by jury, A1 S22

**JUVENILE DELINQUENCY**, A1 S15(b)**K****KEY WEST, CITY OF**, A8 S6(e)**L****LABOR ORGANIZATIONS**

- Collective bargaining, A1 S6
- Right to work, A1 S6

**LAND ACQUISITION TRUST FUND**

- Bond or tax revenues, deposit or credit, A12 S9(a)
- Conservation purposes, dedicated use, A10 S28
- Trustees, A4 S4(f)

**LAW ENFORCEMENT, DEPARTMENT OF**, A4 S4(g)**LAWS**

- Amendment, A3 S6
- Appropriations, A3 S8, A3 S12
- Bill of attainder, A1 S10, A1 S17
- Bills, *See* LEGISLATURE
- Classification of political subdivisions, A3 S11(b)
- Constitution of 1885 provisions, continuance as statutes,
  - A5 S20(g), A12 S10
- County charters, A8 S1(c)
- Criminal statutes, effect of repeal or amendment, A10 S9
- Effective date, A3 S9
- Enacting clause, A3 S6
- Enactment, A3 S7, A3 S8
- Ex post facto law, A1 S10
- Florida Statutes, chapter 203, A12 S9(a)
- General laws of local application, A3 S11(a), A4 S9
- Local laws, A8 S6(d), A10 S12(g)
- Ordinances
  - County, *See* COUNTIES
  - Municipal, *See* MUNICIPALITIES
- Preservation upon adoption of Constitution, A12 S6
- Prohibited laws, A1 S3, A1 S4, A1 S10, A3 S11(a)
- Revision, A3 S6
- Special laws
  - Consolidation of local governments, A8 S3
  - County charters, A8 S1(c)
  - County self-government powers, A8 S1(f)
  - Definition, A10 S12(g)
  - Notice, intention to enact, A3 S10
  - Prohibited subjects, A3 S11(a), A4 S9
  - Superintendents of schools, A9 S5
  - Subject matter, A3 S6, A3 S11, A3 S12
  - Title, A3 S6

**LEGISLATIVE BUDGET COMMISSION, JOINT**,

- A3 S19(c), (j)

**LEGISLATIVE POWER**, A2 S3, A3 S1**LEGISLATURE**

- Abortions involving minors, powers and duties, A10 S22
- Apportionment
  - Applicability of constitutional provisions, A12 S13
  - Extraordinary apportionment session, A3 S16(d), (e), (f)
  - Failure to apportion, A3 S16(b)
  - Guidelines for redistricting, A3 S21
  - Joint resolution of apportionment, A3 S16
  - Judicial reapportionment, A3 S16(b), (f)
  - Judicial review, A3 S16(c), (d), (e), (f)
  - Representative districts, A3 S16(a)

**LEGISLATURE (Cont.)**

- Apportionment (Cont.)
  - Senatorial districts, A3 S16(a)
  - Special apportionment session, A3 S16(a), (b)
  - Time for mandated reapportionment, A3 S16(a)
  - Validity, A3 S16(c), (d), (e), (f)
- Appropriations, *See* APPROPRIATIONS
- Auditor, A3 S2
- Bills
  - Amendment, A3 S7
  - Amendment of laws, A3 S6
  - Appropriations, A3 S8, A3 S12, A3 S19(b), (d)
  - Classification of political subdivisions, A3 S11(b)
  - Effective date, A3 S9
  - Enacting clause, A3 S6
  - Executive approval, A3 S8
  - Item veto, A3 S8, A3 S19(b)
  - Origin, A3 S7
  - Override of veto, A3 S8(c), A3 S9
  - Passage, A3 S7, A3 S8(a), (c), A3 S9
  - Presentation to Governor, A3 S8(a)
  - Readings, A3 S7
  - Revision of laws, A3 S6
  - Special laws, A3 S10, A3 S11(a)
  - Subject matter, A3 S6, A3 S11, A3 S12
  - Title, A3 S6, A3 S7
  - Veto, A3 S8, A3 S9, A3 S19(b)
  - Vote for passage, A3 S7, A3 S8(c), A7 S1(e), A10 S12(e)
- Branch of government, A2 S3
- Budgeting processes, A3 S19, A7 S1(e)
- Business of, A3 S3(c), (d)
- Capital projects, approval, A7 S11(f)
- Committees
  - Impeachment investigations, A3 S17(a)
  - Investigations, A3 S5, A3 S17(a)
  - Meetings, open to public, A3 S4(e)
  - Subpoena power, A3 S5
  - Votes, recording, A3 S4(c)
  - Witnesses, A3 S4(e), A3 S5
- Composition, A3 S1
- Concurrent resolutions, A3 S3(e), A5 S9
- Constitution
  - Amendment, A11 S1, A11 S5(a), A12 S14
  - Schedules, deletion of obsolete items, A5 S20(i), A8 S6(g), A12 S11
  - United States, proposed amendment, A10 S1
- Contempt, A3 S4(d), A3 S5
- Courts
  - Appellate districts, establishment, A5 S1, A5 S9
  - Court-martial, authorization, A5 S1
  - Judges, increasing or decreasing number, A5 S9
  - Judicial circuits, establishment, A5 S1
  - Judicial Qualifications Commission rules, repeal, A5 S12(a)
  - Rules of practice and procedure, repeal, A5 S2(a), A5 S11(d)
  - Supreme Court rules, repeal, A5 S2(a)
- Death penalty execution methods, designation, A1 S17
- Emergency powers, A2 S6
- Enemy attack, power to ensure continuity of government, A2 S6
- General laws requiring local expenditures, limiting ability to raise revenue or reducing percentage of state tax shared, A7 S18
- Generally, A3
- Governor
  - Adjournment of session, A3 S3(f)
  - Apportionment sessions, convening by proclamation, A3 S16(a), (d)
  - Meetings between Governor and legislative leadership, open to public, A3 S4(e)
  - Message on condition of state, A4 S1(e)

**LEGISLATURE (Cont.)**

Governor (Cont.)  
 Restoration of capacity, A4 S3(b)  
 Special session, convening by proclamation, A3 S3(c)  
 Veto of bills, A3 S8, A3 S9, A3 S19(b)  
 High speed ground transportation system, development, A10 S19  
 Historic property tax assessments, allowing county and municipal ordinances, A7 S4(e)  
 Homestead property tax exemption for elderly persons, allowing county and municipal ordinances, A7 S6(d)  
 House of Representatives  
 Clerk, A3 S2, A3 S7  
 Composition, A3 S1  
 Districts, A3 S1, A3 S15(c), A3 S16(a)  
 Impeachment of officers, A3 S17  
 Members  
 Absence, penalties, A3 S4(a)  
 Assumption of office, A3 S15(d)  
 Contempt, A3 S4(d)  
 Disorderly conduct, A3 S4(d)  
 Election, A3 S1, A3 S2, A3 S15(b)  
 Expulsion, A3 S4(d)  
 Qualifications, A3 S2, A3 S15(c)  
 Representation of clients before government body, A2 S8(e)  
 Term limitations, A6 S4(b)  
 Term of office, A3 S15(b), A12 S14  
 Vacancy in office, A3 S15(d)  
 Officers, A3 S2, A3 S3(a)  
 Quorum, A3 S4(a)  
 Rules of procedure, A3 S4(a), (e)  
 Speaker  
 Constitution Revision Commission, appointment, A11 S2(a)  
 Government Efficiency Task Force, appointment, A3 S19(i)  
 Impeachment investigation committee, appointment, A3 S17(a)  
 Legislative Budget Commission, appointment, A3 S19(j)  
 Revenue shortfalls, budget reductions, A4 S13  
 Selection, A3 S2  
 Signature, bills and joint resolutions, A3 S7  
 Taxation and Budget Reform Commission, appointment, A11 S6(a)  
 Income tax rate, increase authorization, A7 S5  
 Investigations, A3 S5, A3 S17(a)  
 Joint resolutions, A3 S7, A3 S16, A11 S1  
 Journals  
 Bill titles, publication, A3 S7  
 Constitutional amendment resolution, A11 S1  
 Governor's vetoes, entry, A3 S8(b)  
 Publication, A3 S4(c)  
 Requirement, A3 S4(c)  
 Votes of members, A3 S4(c), A3 S7, A3 S8(c)  
 Legislative Budget Commission, Joint, A3 S19(c), (j)  
 Legislative power, A2 S3, A3 S1  
 Marine net fishing violations, enactment of more stringent penalties, A10 S16(e)  
 Meetings, open to the public, A1 S24(b), A3 S4(e)  
 Minimum wage for Floridians, powers, A10 S24(f)  
 Motor vehicle license revenues, legislative restrictions, A12 S9(d)  
 Pardon, treason cases, A4 S8(b)  
 Planning documents, review, A3 S19(h)  
 Public education capital projects, authorization, A12 S9(a)  
 Public financing of campaigns for statewide offices, funding, A6 S7  
 Punishment power, A3 S4(d), A3 S5  
 Reapportionment. *See* subtitle Apportionment, this heading  
 Records of legislative branch, access to, A1 S24

**LEGISLATURE (Cont.)**

Revenue collection limitation, increase by two-thirds vote, A7 S1(e)  
 School capital outlay projects, authorization, A12 S9(a)  
 Senate  
 Appointment or removal of public officers, A3 S4(b), A4 S6(a)  
 Closed sessions, A3 S4(b)  
 Composition, A3 S1  
 Confirmation of appointments  
 Education, State Board of, A9 S2  
 Fish and Wildlife Conservation Commission, A4 S9  
 Militia general officers, A10 S2(c)  
 Requirement, A4 S6(a)  
 State University System Statewide Board of Governors, A9 S7(d)  
 Districts, A3 S1, A3 S15(a), (c), A3 S16(a)  
 Impeachment trial, A3 S17(b), (c)  
 Officers, A3 S2, A3 S3(a)  
 President  
 Constitution Revision Commission, appointment, A11 S2(a)  
 Government Efficiency Task Force, appointment, A3 S19(i)  
 Legislative Budget Commission, appointment, A3 S19(j)  
 Revenue shortfalls, budget reductions, A4 S13  
 Selection, A3 S2  
 Signature, bills and joint resolutions, A3 S7  
 Special sessions, convening, A4 S7(b)  
 Taxation and Budget Reform Commission, appointment, A11 S6(a)  
 Quorum, A3 S4(a)  
 Rules of procedure, A3 S4(a), (e)  
 Secretary, A3 S2, A3 S7  
 Senators  
 Absence, penalties, A3 S4(a)  
 Assumption of office, A3 S15(d)  
 Contempt, A3 S4(d)  
 Disorderly conduct, A3 S4(d)  
 Election, A3 S1, A3 S2, A3 S15(a)  
 Expulsion, A3 S4(d)  
 Qualifications, A3 S2, A3 S15(c)  
 Representation of clients before government body, A2 S8(e)  
 Term limitations, A6 S4(b)  
 Term of office, A3 S15(a), A12 S12  
 Vacancy in office, A3 S15(d)  
 Special sessions, A4 S7(b)  
 Suspended officers, removal or reinstatement, A4 S7(b)  
 Sessions  
 Adjournment, A3 S3(e), (f), A3 S4(a)  
 Apportionment sessions  
 Extraordinary, A3 S16(d), (e), (f)  
 Regular, A3 S16(a)  
 Special, A3 S16(a), (b)  
 Closed, A3 S4(b)  
 Extension, A3 S3(d)  
 Length, A3 S3(d)  
 Location, A2 S2  
 Organization sessions, A3 S3(a)  
 Public, A3 S4(b)  
 Regular sessions, A3 S3(b), (d), (f), A3 S8(b)  
 Special sessions, A3 S3(c), (d), (f), A3 S8(b), A3 S16(a), (b), A4 S7(b)  
 Slot machines in Broward and Miami-Dade Counties, duties, A10 S23(b)  
 Subpoena power, A3 S5  
 United States Constitution, proposed amendment, A10 S1  
 Voting, A3 S4(c), A3 S7, A3 S8(c), A10 S12(e)  
 Witnesses, A3 S4(e), A3 S5

**LEON COUNTY, A2 S2****LICENSING BOARDS, A4 S6(b)****LIENS**

- Exempt property, A10 S4(a)
- Intangible personal property tax, obligations secured by lien, A7 S2
- Special laws pertaining to, A3 S11(a)

**LIEUTENANT GOVERNOR**

- Acting Governor, A4 S3(b)
- Creation of office, A4 S2
- Duties, A4 S2
- Election, A4 S5(a)
- Executive departments, supervision, A4 S6
- Impeachment, A3 S17(a)
- Office location, A2 S2
- Qualifications, A4 S5(b)
- Succession to office of Governor, A4 S3(a)
- Term limitations, A6 S4(b)
- Term of office, A4 S5(a)

**LIFE AND LIBERTY, RIGHT TO, A1 S2****LOCAL GOVERNMENT**

- Bond financing. *See* BONDS
- Classification in general laws, A3 S11(b)
- Consolidation, A8 S3, A8 S6(e)
- Counties. *See* COUNTIES
- Credit, pledging, A7 S10
- Districts. *See* SPECIAL DISTRICTS
- Electric generation and transmission facilities, A7 S10(d)
- Generally, A8
- Home rule, A8 S6(e)
- Joint ownership with private entities, A7 S10
- Municipalities. *See* MUNICIPALITIES
- Public funds, investment, A7 S10
- Taxes, A7 S9
- Taxing power, limitation, A7 S10
- Transfer of powers, A8 S4

**LOTTERIES, A10 S7, A10 S15****M****MANDAMUS**

- Circuit courts, A5 S5(b)
- District courts of appeal, A5 S4(b)
- Supreme Court, A5 S3(b)

**MANUFACTURING PLANTS, A7 S10(c)****MARINE ANIMALS**

- See* FISHING

**MARINE FISHERIES COMMISSION, A12 S23****MARRIAGE**

- Same-sex marriage, invalidity, A1 S27

**MEDICAL NEGLIGENCE, A1 S26, A10 S25, A10 S26****MIAMI-DADE COUNTY, A8 S6(e), (f), A10 S23****MILITARY AFFAIRS, DEPARTMENT OF, A1 S18****MILITARY PERSONNEL TAX EXEMPTION, A7 S3(g), A12 S31****MILITARY POWER, A1 S7****MILITIA**

- Adjutant General, A10 S2(c), (d)
- Call to duty, A4 S1(d)
- Commander-in-chief, A4 S1(a)
- Composition, A10 S2(a)
- Courts-martial, A1 S15(a)
- National Guard, A7 S3(g), A10 S2(d), A12 S31
- Officers
  - Appointment, A10 S2(c)
  - Holding public office, A2 S5(a)
  - Suspension, A4 S7(a), (b)
- Organization, maintenance, and discipline, A10 S2(b)
- Power subordinate to civil, A1 S7

**MINIMUM WAGE, A10 S24****MINORITIES**

- Congressional or legislative redistricting, effect on, A3 S20, A3 S21

**MINORS**

- See* CHILDREN

**MISCELLANEOUS PROVISIONS, A10****MOBILE HOMES, A7 S1(b)****MONORAILS, A10 S19****MONROE COUNTY, A8 S6(e)****MORTGAGES, A7 S2****MOTOR VEHICLES**

- Ad valorem taxes, A7 S1(b)
- Fuel taxes, A7 S17(b), A12 S9(c)
- License revenues, A12 S9(d)
- License tax, A7 S1(b)
- Trailers and trailer coaches, A7 S1(b)

**MUNICIPALITIES**

- Abolishment, A8 S2(a)
- Ad valorem taxation, A7 S9, A12 S2
- Annexation, A8 S2(c)
- Bond financing, A7 S10(c), A7 S12
- Charter, A4 S7(c), A8 S2(a)
- Civil service system, A3 S14
- Consolidation of local governments, A8 S3, A8 S6(e)
- Courts, A5 S20(d)
- Credit, pledging, A7 S10
- Dade County, Metropolitan Government of, A8 S6(f)
- Elections, A6 S6
- Electric generation and transmission facilities, A7 S10(d)
- Establishment, A8 S2(a)
- Extraterritorial powers, A8 S2(c)
- Indebtedness, certificates of, A7 S12
- Investment of public funds, A7 S10
- Jacksonville, City of, A8 S6(e)
- Joint ownership with private entities, A7 S10
- Key West, City of, A8 S6(e)
- Legislative bodies, A8 S2(b)
- Mandated expenditure of funds, funding by Legislature, A7 S18(a)
- Meetings, access to, A1 S24(b)
- Mergers, A8 S2(c)
- Officers
  - Continuance in office, A8 S6(c)
  - Holding other offices, A2 S5(a)
  - Prosecutor, A5 S17, A5 S20(c)

**MUNICIPALITIES** (Cont.)

- Officers (Cont.)
  - Suspension from office, A4 S7(c)
- Ordinances
  - Community and economic development tax exemptions, A7 S3(c)
  - Conflict with county ordinances, A8 S1(f), (g)
  - Historic properties, A7 S3(d), A7 S4(e), A12 S22
  - Homestead property tax exemption for elderly persons, A7 S6(d)
  - Violations, prosecution, A5 S17
- Pollution control facilities, state bond financing, A7 S14
- Powers, A8 S2(b), (c), A8 S6(b)
- Property owned by, taxation, A7 S3(a)
- Property within, taxation by county, A8 S1(h)
- Reduction of authority to raise revenue, legislative approval, A7 S18(b)
- State aid, A7 S8
- State tax revenues, legislative approval of reduction, A7 S18(c)
- Status, continuation upon adoption of Constitution, A8 S6(b)
- Tallahassee, City of, A2 S2
- Tax anticipation certificates, A7 S12
- Taxes, A7 S9, A12 S2
- Taxing power, limitation, A7 S10
- Transfer of function or power, A8 S4
- Utility services gross receipts tax, payment, A12 S9(a)
- Waste disposal facilities, state bond financing, A7 S14
- Water facilities, state bond financing, A7 S14

**N**

**NATIONAL GUARD**, A7 S3(g), A10 S2(d), A12 S31

**NATIONAL ORIGIN DISCRIMINATION**, A1 S2

**NATURAL RESOURCES**

- Conservation and protection
  - Bond financing, A7 S11(e), A12 S9(a)
  - Debt service on bonds, A10 S28(b)
  - Document excise tax proceeds, use for conservation purposes, A10 S28
  - Everglades Trust Fund, disbursements, A10 S17(a), (c)
  - General provisions, A2 S7(a)
  - Scenic beauty, A2 S7(a)
  - State conservation lands, disposition restrictions, A10 S18
  - Taxation of land held for conservation purposes, A7 S3(f), A7 S4(b), A12 S28
- Fish and marine animals, *See* FISHING
- Noise abatement, A2 S7(a)
- Pollution control and abatement, A2 S7, A7 S14
- Recreation land acquisition and improvement, bond issuance, A7 S11(e), A12 S9(a)

**NAVIGABLE WATERS**, A10 S11

**NET FISHING**, A10 S16

**NOISE POLLUTION**, A2 S7(a)

**NOTARIES PUBLIC**, A2 S5(a)

**O****OATHS**

- Electors, A6 S3
- Public officers, A2 S5(b)

**OCCUPATIONAL REGULATION**

- Licensing boards, A4 S6(b)
- Special laws pertaining to, A3 S11(a)

**OFFICIAL LANGUAGE**, A2 S9

**OPEN MEETINGS**, A1 S24(b), (c), (d), A3 S4(e), A12 S20

**ORDINANCES**

- County, *See* COUNTIES
- Municipal, *See* MUNICIPALITIES

**OUTDOOR RECREATION**, A7 S11(e), A10 S28(b), A12 S9(a)

**P**

**PARDON**, A4 S8(a), (b)

**PARENT AND CHILD**

- Abortion involving minor, prior notification of parent, A10 S22

**PARI-MUTUEL GAMBLING**, A7 S7, A10 S7, A10 S23

**PAROLE**, A4 S8(c)

**PAROLE AND PROBATION COMMISSION**, A4 S8(c)

**PENSION SYSTEMS (PUBLIC)**, A2 S8(d), A10 S14

**PETITION**

- Constitutional amendment initiative, A11 S3, A11 S5(a)
- Constitutional convention call, A11 S4(a)
- Redress of grievances, A1 S5

**PHYSICIANS**

- Repeated medical malpractice, public protection, A10 S26

**PIGS**, A10 S21

**PLANNING**

- Governor, responsibility, A3 S19(h), A4 S1(a)
- State planning processes and planning documents, A3 S19(a), (h)

**POLITICAL PARTIES**, A5 S13, A6 S1

**POLITICAL POWER**, A1 S1

**POLITICAL SUBDIVISIONS**

- Classification in general laws, A3 S11(b)
- Counties, *See* COUNTIES
- Municipalities, *See* MUNICIPALITIES
- Special districts, *See* SPECIAL DISTRICTS

**POLLUTION CONTROL AND ABATEMENT**, A2 S7, A7 S14

**PORT FACILITIES**, A7 S10(c)

**POWERS OF GOVERNMENT**

- Executive power, A2 S3, A4 S1(a)
- Judicial power, A2 S3, A5 S1
- Legislative power, A2 S3, A3 S1
- Military power, A1 S7
- Political power, A1 S1
- Separation of powers, A2 S3

**PREGNANT PIGS**, A10 S21

**PRESS, FREEDOM OF**, A1 S4

**PRETRIAL RELEASE AND DETENTION**, A1 S14

**PRIVACY, RIGHT OF**, A1 S23, A10 S22

**PROBATION**, A4 S8(c)

**PROHIBITION, WRIT OF**, A5 S3(b), A5 S4(b), A5 S5(b)

## PROPERTY

Acquisition, possession, and protection; rights of, A1 S2

Ad valorem taxes, *See* TAXATION

Aliens, real property ownership and disposition, A1 S2

Courtesy, A10 S5

Deprivation without due process of law, A1 S9

Dower, A10 S5

Drainage easements, A10 S6(b)

Eminent domain, A10 S6

Forced sale, exemptions from, A10 S4

Homestead, *See* HOMESTEAD PROPERTY

Leases, publicly financed facilities, A7 S10(c)

Liens, A3 S11(a), A7 S2, A10 S4

Married women, A10 S5

Municipal property, taxation, A7 S3(a)

Recreation lands, state bond financing, A12 S9(a)

Rights to acquire, possess, and protect, A1 S2

Sovereignty lands, A10 S11

Special laws pertaining to, A3 S11(a)

Submerged lands, A10 S11

Taking for public purposes, A10 S6

Taxation, *See* TAXATION subtitle Ad valorem taxes

**PROPERTY APPRAISERS**, A8 S1(d)

**PUBLIC DEFENDERS**, A5 S14(a), (c), A5 S18, A12 S25

## PUBLIC EMPLOYEES

Breach of public trust, A2 S8(c), (d), (f)

Civil service system, A3 S14

Conflicts of interest, A2 S8(g), A3 S18

Ethics, code of, A2 S8, A3 S18

Financial interests, disclosure, A2 S8

Records, access to, A1 S24(a)

Representation of clients before government body,  
A2 S8(e)

Strike, right to, A1 S6

**PUBLIC LANDS**, A10 S11, A12 S9(a)

## PUBLIC MEETINGS

Access to and notice of, A1 S24(b), (c), (d), A3 S4(e),  
A12 S20

Legislature, A3 S4(e)

## PUBLIC OFFICERS

Bond, A2 S5(b)

Breach of public trust, A2 S8(c), (d), (f)

Campaign finances, disclosure, A2 S8(b)

Civil service system, A3 S14

Compensation, A2 S5(c), A3 S12, A12 S3

Conflicts of interest, A2 S8(g), A3 S18

Continuance in office upon adoption of Constitution,  
A8 S6(c), A12 S3

County officers, *See* COUNTIES

Creation of office, limitation of term of office, A3 S13

Ethics, code of, A2 S8, A3 S18

Felons, disqualification from holding office, A6 S4(a)

## PUBLIC OFFICERS (Cont.)

Financial interests, disclosure, A2 S8

Holding other offices, A2 S5(a)

Impeachment, *See* IMPEACHMENT

Mentally incompetent persons, disqualification from holding  
office, A6 S4(a)

Municipal officers, *See* MUNICIPALITIES

Oath of office, A2 S5(b)

Powers and duties, A2 S5(b), (c)

Quasi-judicial power, A5 S1

Records, access to, A1 S24(a)

Representation of clients before government body, A2 S8(e)

Special laws pertaining to, A3 S11(a)

Succession, enemy attack emergency, A2 S6

Suspension from office, A4 S7

Terms of office, *See* TERMS OF OFFICE

Vacancies in office, *See* VACANCY IN OFFICE

## PUBLIC RECORDS

Access to, A1 S24(a), (c), (d), A12 S20

Exemptions from disclosure, A1 S24(a), (c)

## PUNISHMENT

Administrative penalties, A1 S18

Breach of public trust, A2 S8(c), (d)

Clemency, A4 S8

Contempt, A3 S4(d), A3 S5

Costs, payment by accused, A1 S19

County ordinance violations, A8 S1(j)

Court-martial, A1 S18

Criminal statutes, effect of repeal or amendment, A10 S9

Cruel and unusual, A1 S17

Death penalty, A1 S17, A5 S3(b)

Excessive, A1 S17

Imprisonment for debt, A1 S11

Judges, discipline, A5 S12(a), (c), (e)

Juvenile delinquents, A1 S15(b)

Legislators, A3 S4(a), (d)

Pardon, A4 S8(a), (b)

Parole, A4 S8(c)

Penalties, fines, and forfeitures under 1885 Constitution,  
A12 S7(a)

Probation, A4 S8(c)

Sentences under 1885 Constitution, A12 S7(a)

Special laws pertaining to, A3 S11(a)

Witnesses, legislative investigation, A3 S5

## Q

### QUALITY MANAGEMENT AND ACCOUNTABILITY PROGRAM, A3 S19(h)

**QUASI-JUDICIAL POWER**, A5 S1

**QUO WARRANTO, WRIT OF**, A5 S3(b), A5 S4(b), A5 S5(b)

## R

**RACIAL DISCRIMINATION**, A1 S2

**RAIL TRANSPORTATION SYSTEM**, A10 S19

**REBELLION**, A1 S13, A4 S1(a)

### RECORDS CUSTODIAN

*See* CUSTODIAN OF STATE RECORDS

**RECREATION LANDS AND FACILITIES**, A12 S9(a)

**RELIGION**

Discrimination based on, A1 S2  
 Establishment and free exercise of, A1 S3  
 Military duty, exemption, A10 S2(a)  
 Property used for religious purposes, tax exemption,  
 A7 S3(a)  
 Public revenue in aid of, A1 S3

**RELIGIOUS FREEDOM, A1 S3****RENEWABLE ENERGY SOURCE DEVICES, A7 S4(i),  
A12 S19, A12 S29****RESIDENCE**

Cabinet members, A4 S5(b)  
 County commissioners, A8 S1(e)  
 Electors, A6 S2  
 Governor, A4 S5(b)  
 Homestead, A7 S6(a), A10 S4(a)  
 Judges, A5 S3(a), A5 S8  
 Legislators, A3 S15(c)  
 Lieutenant Governor, A4 S5(b)  
 Public defenders, A5 S18  
 State attorneys, A5 S17  
 Supreme Court justices, A5 S3(a)

**RETIREMENT SYSTEMS (PUBLIC), A2 S8(d), A10 S14****REVENUE**

(See also STATE FUNDS; TAXATION)

Aid to church, sect, or religious denomination, A1 S3  
 Bond repayment, A7 S11(d)  
 Court fees, funding clerks of circuit and county courts,  
 A5 S14(b)  
 Gross receipts tax, application, A12 S9(a)  
 License fees, Fish and Wildlife Conservation Commission,  
 A4 S9  
 Limitation on collection, A7 S1(e), A11 S3, A12 S21  
 Local government authority to raise revenue, reduction by  
 Legislature, A7 S18(b)  
 Motor vehicle fuel taxes, allocation, A7 S17(b), A12 S9(c)  
 Motor vehicle license revenues, A12 S9(d)  
 New fees imposed by constitutional amendment, approval  
 by two-thirds of voters, A11 S7  
 Pari-mutuel taxes, allocation, A7 S7  
 Raising to defray state expenses, A7 S1(d)  
 Revenue shortfalls, budget reductions, A3 S19(h), A4 S13  
 Second gas tax, allocation, A12 S9(c)  
 Taxation and Budget Reform Commission, review of  
 revenue needs, A11 S6(d)

**REVENUE BONDS**

See BONDS

**REVISION**

See AMENDMENT

**RIGHT OF PRIVACY, A1 S23, A10 S22****RIGHT TO ASSEMBLE, A1 S5****RIGHT TO BEAR ARMS, A1 S8(a)****RIGHT TO WORK, A1 S6****RIGHTS, DECLARATION OF, A1****RIGHTS OF ACCUSED, A1 S16(a), A1 S19****RIGHTS OF TAXPAYERS, A1 S25****RIGHTS OF VICTIMS OF CRIME, A1 S16(b)****RIGHTS, PROPERTY, A1 S2****ROADS AND HIGHWAYS, A3 S11(a), A7 S17, A12 S9(b), (c)****S****SCENIC BEAUTY, A2 S7(a)****SCHEDULES**

Bonds, A12 S9, A12 S18  
 Conflicting provisions, A12 S17  
 Conservation property, ad valorem tax exemption and tax  
 assessment, A12 S28  
 Consolidation and home rule, A8 S6(e)  
 Constitution of 1885 superseded, A12 S1  
 Dade County, A8 S6(f)  
 Deletion of obsolete items, A5 S20(i), A8 S6(g), A12 S11  
 Education, Commissioner of, A12 S4, A12 S6(b)  
 Ethics in government, A2 S8  
 Executive branch reform, A12 S24(a)  
 Existing government, preservation, A12 S10  
 Game and Fresh Water Fish Commission, abolishment,  
 A12 S23(c), (d)  
 Historic property, ad valorem tax exemption and tax  
 assessment, A12 S22  
 Homestead exemption, A12 S26, A12 S27, A12 S31,  
 A12 S33  
 Judicial Qualifications Commission, A5 S12(f)  
 Judiciary, A5 S12(f), A5 S20, A12 S25  
 Laws preserved, A12 S6  
 Legislative apportionment, A12 S13  
 Local governments, A8 S6  
 Marine Fisheries Commission, abolishment, A12 S23(c), (d)  
 Officers to continue in office, A8 S6(c), A12 S3  
 Ordinances, A8 S6(d)  
 Property taxes, A12 S2, A12 S27  
 Public debts recognized, A12 S8  
 Public records and meetings, access to, A12 S20  
 Renewable energy source devices, taxation, A12 S19,  
 A12 S29  
 Reorganization, A12 S16  
 Representatives, A12 S14  
 Revenue limitation, A12 S21  
 Rights reserved, A12 S7  
 Senators, A12 S12  
 Special district taxes, A12 S15  
 Superintendents of schools, A12 S5, A12 S6(b)  
 Transition from 1885 Constitution, A12  
 Veterans disabled due to combat injury, homestead  
 property tax discount, A12 S32  
 Wind damage resistance improvements, taxation, A12 S29  
 Working waterfront property, ad valorem tax assessment,  
 A12 S30

**SCHOOL BOARDS, A9 S4, A9 S5, A12 S9(d)****SCHOOL DISTRICTS**

Ad valorem taxes, A7 S6(a), A7 S9, A9 S4(b)  
 Bonds, A7 S12  
 Boundaries, A9 S4(a)  
 Capital projects financing, A7 S12, A12 S9(a), (d)  
 Credit, pledging, A7 S10  
 Indebtedness, certificates of, A7 S12  
 Investment of public funds, A7 S10(a), (b)  
 Joint educational programs, A9 S4(b)  
 Joint ownership with private entities, A7 S10  
 Meetings, access to, A1 S24(b)  
 Motor vehicle licensing revenue, distribution, A12 S9(d)

**SCHOOL DISTRICTS** (Cont.)

School boards, A9 S4, A9 S5, A12 S9(d)  
 State aid, A7 S8  
 Superintendents of schools, A9 S5, A12 S5, A12 S6(b)  
 Tax anticipation certificates, A7 S12  
 Taxes, A7 S6(a), A7 S9, A9 S4(b)  
 Taxing power, limitation, A7 S10

**SCHOOLS**

See EDUCATION

**SCHOOLS, SUPERINTENDENTS OF**, A9 S5, A12 S5,  
 A12 S6(b)

**SEAL (STATE)**, A2 S4

**SEARCH WARRANTS**, A1 S12

**SEARCHES AND SEIZURES**, A1 S12

**SEAT OF GOVERNMENT**, A2 S2

**SELF-INCRIMINATION**, A1 S9

**SENATE**

See LEGISLATURE

**SEPARATION OF POWERS**, A2 S3

**SHERIFFS**, A5 S3(c), A5 S4(c), A8 S1(d)

**SLOT MACHINES**, A10 S23

**SMOKING (TOBACCO)**, A10 S20, A10 S27

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**,  
 A10 S17

**SOVEREIGN IMMUNITY**, A10 S13

**SOVEREIGNTY LANDS**, A10 S11

**SPECIAL DISTRICTS**

Ad valorem taxation, A7 S9, A12 S2, A12 S15  
 Bond financing, A7 S10(c), A7 S12  
 Civil service system, A3 S14  
 Credit, pledging, A7 S10  
 Elections, A6 S6  
 Electric generation and transmission facilities, A7 S10(d)  
 Indebtedness, certificates of, A7 S12  
 Investment of public funds, A7 S10  
 Joint ownership with private entities, A7 S10  
 Meetings, access to, A1 S24(b)  
 Pollution control facilities, state bond financing, A7 S14  
 State aid, A7 S8  
 Status, continuation upon adoption of Constitution, A8 S6(b)  
 Tax anticipation certificates, A7 S12  
 Taxes, A7 S9, A12 S2, A12 S15  
 Taxing power, limitation, A7 S10  
 Transfer of function or power, A8 S4  
 Waste disposal facilities, state bond financing, A7 S14  
 Water facilities, state bond financing, A7 S14

**SPECIAL LAWS**

See LAWS

**SPEECH, FREEDOM OF**, A1 S4

**STATE ATTORNEYS**, A5 S14(a), (c), A5 S17, A5 S20(e),  
 A12 S25

**STATE BOUNDARIES**, A2 S1

**STATE FLAG**, A2 S4

**STATE FUNDS**

(See also REVENUE)  
 Aid to local governments, A7 S8  
 Appropriations, See APPROPRIATIONS  
 Chief financial officer, duties, A4 S4(c)  
 Investment, A7 S10(a), (b)  
 Mandated expenditure of funds by local governments,  
 funding by Legislature, A7 S18(a)  
 Money drawn from treasury, A7 S1(c)  
 School fund, A9 S6  
 Trust funds, See TRUST FUNDS (PUBLIC)

**STATE RETIREMENT SYSTEMS**, A2 S8(d), A10 S14

**STATE SEAL**, A2 S4

**STATE, SECRETARY OF**, A12 S24(b)

**STATE TREASURY**, A7 S1(c)

**STATE UNIVERSITIES**, A7 S15(a), A9 S1(a), A9 S7,  
 A12 S9(a)

**STATEWIDE PROSECUTOR**, A4 S4(b)

**STUDENT LOANS**, A7 S15

**SUBMERGED LANDS**, A10 S11

**SUITS AGAINST STATE**, A10 S13

**SUPERINTENDENTS OF SCHOOLS**, A9 S5, A12 S5,  
 A12 S6(b)

**SUPERVISORS OF ELECTIONS**, A8 S1(d)

**SUPREME COURT**

(See also COURTS)

Advisory opinions, A4 S1(c), A4 S10, A5 S3(b)  
 Appellate districts, recommendations for redefining, A5 S9  
 Attorneys, admission to practice of law and discipline,  
 A5 S15  
 Chief justice  
 Appointment, A5 S2(b)  
 Assignment of temporary judges, A5 S2(b)  
 Constitution Revision Commission members,  
 appointment, A11 S2(a)  
 Impeachment trials, presiding, A3 S17(c)  
 Revenue shortfalls, budget reductions, A4 S13  
 Clerk, A5 S3(c)  
 Death penalty, review, A5 S3(b)  
 Decisions, A5 S3(a)  
 Direct appeal, A5 S3(b)  
 Discipline of justices and judges, A5 S12(a), (c), (e)  
 District court of appeal decisions, review, A5 S3(b)  
 Final judgments and orders, review, A5 S3(b)  
 Governor  
 Advisory opinions, A4 S1(c)  
 Incapacity determination, A4 S3(b)  
 Habeas corpus, writ of, A5 S3(b)  
 Initiative petitions, review, A4 S10, A5 S3(b)  
 Judges  
 Certificates of need, A5 S9  
 Discipline, A5 S12(c)  
 Temporary assignment to Supreme Court, A5 S3(a)  
 Judicial circuits, recommendations for redefining, A5 S9

**SUPREME COURT (Cont.)**

Judicial nominating commission, A4 S4(b), A5 S11(d)  
 Judicial power vested in, A5 S1  
 Judicial Qualifications Commission, powers and duties, A5 S12  
 Jurisdiction, A5 S3(b), A5 S20(c)  
 Justices  
   (See also JUDGES)  
 Chief Justice, See subtitle Chief justice, this heading  
 Definition, A5 S20(c), A10 S12  
 Discipline, A5 S12(a), (c), (e)  
 Election, A5 S10(a)  
 Impeachment, A3 S17(a)  
 Judges, temporary assignment, A5 S3(a)  
 Number, A5 S3(a)  
 Quorum, A5 S3(a)  
 Recusal, A5 S3(a)  
 Residency requirement, A5 S3(a)  
 Retention, A5 S10(a)  
 Retired, temporary duty, A5 S2(b)  
 Temporary duty with other courts, A5 S2(b)  
 Term of office, A5 S10(a)  
 Vacancy in office, A5 S10(a)  
 Legislative apportionment  
   Apportionment orders, A3 S16(b), (f)  
   Declaratory judgments of validity, A3 S16(c), (d), (e), (f)  
 Location, A2 S2  
 Mandamus, writ of, A5 S3(b)  
 Marshal, A5 S3(c)  
 Organization, A5 S3(a)  
 Process, A5 S3(c)  
 Prohibition, writ of, A5 S3(b)  
 Quo warranto, writ of, A5 S3(b)  
 Quorum, A5 S3(a)  
 Regulatory agency actions, review, A5 S3(b)  
 Rules  
   Appellate districts, criteria for redefining, A5 S9  
   Appellate review, interlocutory orders, A5 S4(b)  
   Chief circuit court judges, selection, A5 S2(d)  
   Court practice and procedure, A5 S2(a), A5 S11(d)  
   Judges, determination of need, A5 S9  
   Judicial circuits, criteria for redefining, A5 S9  
   Military law questions, advisory opinions, A5 S2(a)  
   Trial court judgments and orders, review, A5 S3(b)  
 United States courts, certified questions of law, A5 S3(b)  
 United States Supreme Court, A1 S12, A1 S17, A5 S3(b), A10 S22  
 Writs, power to issue, A5 S3(b)

**T****TALLAHASSEE, CITY OF, A2 S2****TAX COLLECTORS, A8 S1(d)****TAXATION**

Ad valorem taxes  
 Agricultural land, A7 S4(a)  
 Aquifer recharge lands, A7 S4(a)  
 Assessment of property, A7 S4, A7 S8, A7 S13, A12 S27  
 Bonds payable from, A7 S12  
 Businesses, new or expanding, A7 S3(c)  
 Conservation property, A7 S3(f), A7 S4(b), A12 S28  
 Counties, A7 S9, A8 S1(h), A12 S2  
 Educational, literary, scientific, religious, or charitable-use property, A7 S3(a)  
 Exemptions, A7 S3, A7 S4(c), A7 S6, A12 S27, A12 S28  
 Historic properties, A7 S3(d), A12 S22  
 Homestead property, See HOMESTEAD PROPERTY  
 Illegal assessments, relief from, A7 S13  
 Intangible personal property, A7 S2, A7 S9(a)

**TAXATION (Cont.)**

Ad valorem taxes (Cont.)  
 Leases, publicly financed facilities, A7 S10(c)  
 Livestock, A7 S4(c)  
 Local governments, A7 S9  
 Millages, A7 S2, A7 S9(b), A12 S2  
 Mortgages, obligations secured by, A7 S2  
 Municipal properties, A7 S3(a)  
 Municipalities, A7 S9, A12 S2  
 Property appraisers, A8 S1(d)  
 Property within municipalities, benefit for county unincorporated areas, A8 S1(h)  
 Rates, A7 S2, A7 S9(b), A12 S2  
 Real property  
   Change of assessments, A7 S4(g), (h), A12 S27  
   Exemptions, A7 S3, A7 S6  
   Local taxes, A7 S9  
   Rate, A7 S2, A7 S9(b), A12 S2  
   State tax, A7 S1(a)  
   Valuation, A7 S4  
 Recreational lands, A7 S4(a)  
 Renewable energy source devices, A7 S4(i), A12 S19, A12 S29  
 Renters, tax relief, A7 S6(c)  
 Residential property containing nine units or fewer, A7 S4(g), A12 S27  
 School purposes, A7 S6(a), A7 S9, A9 S4(b)  
 Special districts, A7 S9, A12 S2, A12 S15  
 State, A7 S1(a)  
 Stock-in-trade, A7 S4(c)  
 Tangible personal property  
   Exemptions, A7 S1(b), A7 S3(c), (e), A7 S4(c), A12 S27  
   Local taxes, A7 S9  
   Rate, A7 S2, A7 S9(b), A12 S2  
   State tax, A7 S1(a)  
   Valuation, A7 S4(c)  
 Tax anticipation certificates, A7 S12  
 Valuation of property, A7 S4  
 Voter authorization, A7 S9(b)  
 Water management purposes, A7 S9(b)  
 Wind damage resistance improvements, A7 S4(i), A12 S29  
 Working waterfront properties, A7 S4(j), A12 S30  
 Airplanes, A7 S1(b)  
 Boats, A7 S1(b)  
 Conservation property, A7 S3(f), A7 S4(b), A12 S28  
 Consolidation of local governments, A8 S3  
 Corporation income tax, A7 S5(b)  
 Counties, A7 S9, A8 S1(h), A12 S2  
 Document excise tax proceeds, use for conservation purposes, A10 S28  
 Estate tax, A7 S5(a)  
 Exemptions  
   Ad valorem taxes, A7 S3, A7 S4(c), A7 S6, A12 S27, A12 S28  
   Blind persons, A7 S3(b)  
   Community and economic development, new or expanded businesses, A7 S3(c)  
   Conservation property, A7 S3(f), A12 S28  
   Disabled persons, A7 S3(b), A7 S6(e)  
   Elderly persons, A7 S4(f), A7 S6(d), (e), A12 S26  
   Heads of family, A7 S3(b)  
   Historic properties, A7 S3(d)  
   Homestead property, See HOMESTEAD PROPERTY  
   subtitle Exemptions sub-subtitle Taxation  
   Household goods and personal effects, A7 S3(b)  
   Military personnel deployed in support of military operations, A7 S3(g), A12 S31  
   Municipal property, A7 S3(a)  
   Tangible personal property, A7 S1(b), A7 S3(c), (e), A7 S4(c), A12 S27  
   Veterans, A7 S6(e)

**TAXATION (Cont.)**

Exemptions (Cont.)  
 Widows and widowers, A7 S3(b), A7 S6(f), A12 S33  
 Gas tax, A12 S9(c)  
 Generally, A7  
 Gross receipts tax, utility services, A12 S9(a)  
 Historic properties, A7 S3(d), A7 S4(e), A12 S22  
 Homestead property, *See* HOMESTEAD PROPERTY  
 Illegal taxes, relief from, A7 S13  
 Income tax, A7 S5  
 Inheritance tax, A7 S5(a)  
 Leases, publicly financed facilities, A7 S10(c)  
 License tax, A7 S1(b)  
 Limitations  
   Consolidation of county and municipalities, effect, A8 S3  
   Pledging credit of state or political subdivisions, A7 S10  
   Revenue collection limitations, A7 S1(e), A11 S3,  
     A12 S21  
   Unincorporated areas, A8 S1(h)  
 Local taxes, A7 S9  
 Mobile homes, A7 S1(b)  
 Motor vehicles  
   Ad valorem taxes, A7 S1(b)  
   Fuel taxes, A7 S17(b), A12 S9(c)  
   License tax, A7 S1(b)  
 Municipalities, A7 S9, A12 S2  
 Natural persons, A7 S5(a)  
 New State taxes imposed by constitutional amendment,  
   approval by two-thirds vote of voters, A11 S7  
 Pari-mutuel tax, A7 S7  
 Raising sufficient revenue, A7 S1(d)  
 Renewable energy source devices, A7 S4(j), A12 S19,  
   A12 S29  
 Renters, tax relief, A7 S6(c)  
 Revenue, generally, *See* REVENUE  
 School districts, A7 S6(a), A7 S9, A9 S4(b)  
 Second gas tax, A12 S9(c)  
 Slot machine revenues, A10 S23(b)  
 Special districts, A7 S9, A12 S2, A12 S15  
 Special laws, A3 S11(a)  
 State-preempted taxes, A7 S1(a)  
 Tax collector, A8 S1(d)  
 Tax liens, homestead property, A10 S4(a)  
 Taxation and Budget Reform Commission, A2 S5(a),  
   A11 S5(a), A11 S6  
 Taxes under 1885 Constitution, A12 S7(a)  
 Taxpayers' Bill of Rights, A1 S25

**TAXATION AND BUDGET REFORM COMMISSION,**

A2 S5(a), A11 S5(a), A11 S6

**TERMS OF OFFICE**

Cabinet members, A4 S5(a), A6 S4(b)  
 County commissioners, A8 S1(e)  
 County officers, A8 S1(d)  
 Education boards, appointive, A9 S3  
 Fish and Wildlife Conservation Commission, A4 S9  
 Governor, A4 S5(a), (b)  
 House of Representatives, A3 S15(b), A6 S4(b), A12 S14  
 Judges, A5 S10, A5 S11(a), (b)  
 Judicial nominating commissions, A5 S20(c)  
 Judicial Qualifications Commission, A5 S12(a), (f)  
 Lieutenant Governor, A4 S5(a), A6 S4(b)  
 Limitation of term, A3 S13, A4 S5(b), A6 S4(b)  
 Parole and Probation Commission, A4 S8(c)  
 Public defenders, A5 S18  
 School boards, A9 S4(a)  
 Senate, A3 S15(a), A6 S4(b), A12 S12  
 State attorneys, A5 S17  
 Superintendents of schools, A9 S5  
 U.S. Senators and representatives, A6 S4(b)

**TOBACCO,** A10 S20, A10 S27

**TRAFFIC HEARING OFFICERS,** A5 S1

**TRANSPORTATION RIGHTS-OF-WAY,** A7 S17, A10 S19

**TREASON,** A1 S20, A4 S8(b)

**TRIAL BY JURY,** A1 S16(a), A1 S22

**TRIALS**

Appeals, A5 S3(b), A5 S4(b)  
 Criminal, A1 S16(a)  
 Evidence, *See* EVIDENCE  
 Jury, A1 S16(a), A1 S22, A3 S11(a)  
 Juvenile proceedings, A1 S15(b)  
 Pretrial release and detention, A1 S14  
 Site designation, A5 S7

**TRUST FUNDS (PUBLIC)**

Budget stabilization fund, A3 S19(g), A7 S1(e)  
 Education lottery funds, A10 S15  
 Everglades, A10 S17  
 General revenue fund, A3 S19(f), (g), A5 S20(c), A10 S28(c)  
 Institutions of higher learning and junior college capital  
   outlay, A12 S9(a)  
 Internal improvement, A4 S4(f)  
 Investment, A7 S10(a)  
 Land acquisition, A4 S4(f), A10 S28, A12 S9(a)  
 Legislative approval, A3 S19(f)  
 Public education capital outlay and debt service, A12 S9(a)  
 School district and community college district capital outlay  
   and debt service, A12 S9(d)  
 State roads distribution fund, A12 S9(c)  
 State school fund, A9 S6  
 Sunset provisions, A3 S19(f)

**TURNPIKE AUTHORITY,** A12 S9(b)

**U****UNITED STATES**

Census, A10 S8  
 Congressional members from Florida, term limitations,  
   A6 S4(b)  
 Congressional redistricting guidelines, A3 S20  
 Constitution  
   Amendment, A10 S1  
   Apportionment of Legislature, A3 S16(a)  
   Court interpretation, review, A5 S3(b)  
   Fourth amendment search and seizure rights, conformity  
     with, A1 S12  
   Oath to defend, A2 S5(b), A6 S3  
 Courts of Appeals, A5 S2(a), A5 S3(b)  
 Estate tax, A7 S5(a)  
 Income tax, A7 S5, A7 S10(c)  
 Military personnel deployed in support of military operation,  
   homestead exemption, A7 S3(g), A12 S31  
 National Guard, A7 S3(g), A10 S2(d), A12 S31  
 Obligations, investment of public funds in, A7 S10(b)  
 Officers, holding state office, A2 S5(a)  
 Senators from Florida, term limitations, A6 S4(b)  
 Supreme Court, A1 S12, A1 S17, A5 S3(b)

**UNIVERSITIES,** A7 S15(a), A9 S1(a), A9 S7, A12 S9(a)

## V

**VACANCY IN OFFICE**

Circumstances constituting vacancy, A10 S3  
 Constitution Revision Commission, A11 S2(b)  
 County offices, A4 S1(f)  
 Election to fill vacancy, A6 S5  
 Enemy attack emergency, A2 S6  
 Governor, A4 S3(a)  
 Impeachment, A3 S17(b)  
 Judges, A5 S10(a), A5 S11  
 Judicial Qualifications Commission, A5 S12(a), (f)  
 Legislators, A3 S15(d)  
 State offices, A4 S1(f)  
 Suspended officers, A4 S7  
 Taxation and Budget Reform Commission, A11 S6(b)

**VENUE**, A1 S16(a), A3 S11(a)

**VETERANS**

Combat-related disabilities, homestead property tax discount, A7 S6(e), A12 S32  
 Surviving spouses of veterans dying from service-connected causes while on active duty, homestead property tax exemption, A7 S6(f), A12 S33

**VETERANS AFFAIRS, DEPARTMENT OF**, A4 S11

**VETO**, A3 S8, A3 S9, A3 S19(b)

**VICTIMS OF CRIME, RIGHTS OF**, A1 S16(b)

**VOCATIONAL TRAINING SCHOOLS**, A7 S15(a), A12 S9(a)

**VOTE**

Cabinet members, tie vote, A4 S4(a)  
 Electors, A10 S12(d)  
 Legislative house or governmental bodies, A10 S12(e)

**VOTING**

Elections, *See* ELECTIONS  
 Legislature, A3 S4(c), A3 S7, A3 S8(c), A10 S12(e)

## W

**WASTE DISPOSAL FACILITIES**, A7 S14

**WATER POLLUTION**

Everglades, A2 S7(b), A10 S17(a), (c)

**WATER POLLUTION (Cont.)**

Fish and Wildlife Conservation Commission authority, A4 S9  
 State bond financing, pollution control facilities, A7 S14  
 State policy, A2 S7(a)

**WATER RESOURCES**

Bond financing of development, A7 S11(e)  
 Documents excise tax proceeds, use for protection, A10 S28(b)  
 State bond financing, water facilities, A7 S14

**WIDOWS AND WIDOWERS**

Homestead property, A10 S4(b), (c)  
 Tax exemption, A7 S3(b), A7 S6(f), A12 S33

**WILDLIFE**

Document excise tax proceeds, use for habitat protection, A10 S28(b)  
 Fish, *See* FISHING  
 Fish and Wildlife Conservation Commission, A4 S9, A12 S23  
 Game and Fresh Water Fish Commission, A12 S23

**WITNESSES**

Compulsory process, A1 S16(a)  
 Confrontation by accused, A1 S16(a)  
 Criminal trials, A1 S9, A1 S16(a)  
 Legislature, A3 S4(e), A3 S5  
 Self-incrimination, A1 S9  
 Treason, A1 S20  
 Unreasonable detention, A1 S17

**WOMEN**

Basic rights, A1 S2

**WORK, RIGHT TO**, A1 S6

**WORKFORCE INNOVATION, AGENCY FOR**, A10 S24(c), (f)

**WORKPLACE SMOKING**, A10 S20

**WRITS**

Certiorari, A5 S4(b), A5 S5(b)  
 Circuit court, A5 S5(b)  
 District courts of appeal, A5 S4(b)  
 Habeas corpus, *See* HABEAS CORPUS  
 Mandamus, A5 S3(b), A5 S4(b), A5 S5(b)  
 Prohibition, A5 S3(b), A5 S4(b), A5 S5(b)  
 Quo warranto, A5 S3(b), A5 S4(b), A5 S5(b)  
 Supreme Court, A5 S3(b)