



Journal of the Senate

ORGANIZATION SESSION

Tuesday, November 20, 2018

Journal of the Senate for the Organization Session of the Twenty-sixth Legislature to be convened under the Constitution of Florida, as revised in 1968, and subsequently amended, begun and held at the Capitol in the City of Tallahassee, in the State of Florida, on Tuesday, November 20, 2018, being the day fixed by the Constitution for the purpose.

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CALL TO ORDER

The Senate was called to order by outgoing Senate President Joe Negron at 9:30 a.m. A quorum present.

PRAYER

Rev. Sterling Forrester, Chaplain and retired Colonel in the U.S. Army, Julie Galvano's father, offered the following prayer:

Almighty God and Father of us all,

We give thanks for the gift of a new day and for this special time we share together. It is with high purpose that these elected leaders have assembled in this historic setting. We pray that your guiding hand would direct this body in serving all the people of our state. May wisdom, insight, and understanding characterize the Senate in all its deliberations.

And if there should be differences in challenging issues, may there yet always be the common ground of dedication to the highest ideals of our democratic process. May this time of organization and new beginning represent a strong and sound foundation for this new session. We pray for all who are a part of this important body and for their families and loved ones, who, in a real sense, serve the state with them.

As we pray for the Senate, we also ask your blessing upon all who serve the State of Florida. Lord, our prayer is incomplete if we do not always remember those who serve our nation in the cause of freedom. We also lift up to you all the citizens of our state who have suffered the storm's devastation, and we remember fellow Americans suffering the fire's damage.

And now in both petition and affirmation, we pray. God bless the great State of Florida and God bless America. Amen.

COLOR GUARD

At the direction of the President, the Sergeant at Arms opened the doors of the chamber, and the Color Guard of the Florida Army National Guard marched into the chamber bearing flags of the United States of America and the State of Florida.

PLEDGE

Sergeant at Arms Tim Hay was joined by children and grandchildren of Senators present in the chamber in the center aisle and led the Senate in the Pledge of Allegiance to the flag of the United States of America.

SPECIAL PERFORMANCE

The President introduced Chloe Channell who sang our National Anthem, *The Star Spangled Banner*. Chloe is a singer, songwriter, performer, and actor. She divides her time between her hometown in Pace, Florida, and Nashville, Tennessee.

SPECIAL GUESTS

The President introduced Lieutenant Governor Carlos Lopez-Cantera, Chief Financial Officer Jimmy Patronis, and Attorney General Pam Bondi.

The President introduced Chief Justice of the Florida Supreme Court Charles T. Canady and Florida Supreme Court Justice Alan Lawson.

The President introduced Governor-elect Ron DeSantis; Lieutenant Governor-elect Jeanette Nuñez; Attorney General-elect Ashley Moody; and Commissioner of Agriculture-elect Nicole "Nikki" Fried.

DOCTOR OF THE DAY

The President recognized Dr. E.J. Sanchez of Bradenton, here at the invitation of the Galvano family. Dr. Sanchez specializes in internal medicine and cardiovascular disease.

OATH OF OFFICE ADMINISTERED

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

CERTIFICATE RECEIVED

By direction of the President, the Secretary read the following certificate from the Secretary of State, certifying to the election of Senator Lori Berman, filling the vacancy in Senate District 31:

**STATE OF FLORIDA
DEPARTMENT OF STATE**

I, **Ken Detzner**, Secretary of State of the State of Florida, do hereby certify that the following candidate was duly elected at the Special Election held on the 10th day of April, A.D., 2018, to the office of Member, State Senate, as shown by the records of this office:

SENATE DISTRICT	ELECTED SENATOR
31	Lori Berman



GIVEN under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the 24th day of April, A.D., 2018.

Ken Detzner
SECRETARY OF STATE

CERTIFICATE RECEIVED

The Secretary announced that The Honorable Ken Detzner, Secretary of State, had certified to the election of 20 Senators as follows:

**STATE OF FLORIDA
DEPARTMENT OF STATE**

I, **Ken Detzner**, Secretary of State of the State of Florida, do hereby certify that the following candidates were duly elected at the General Election held on the 6th day of November, A.D., 2018, to the office of Member, State Senate, as shown by the records of this office:

SENATE DISTRICT	ELECTED SENATOR
2	George B. Gainer
4	Aaron Bean
6	Audrey Gibson
8	Keith Perry
10	Wilton Simpson
12	Dennis Baxley
14	Tommy A. Wright
16	Ed Hooper
18	Janet Cruz
20	Tom Lee
22	Kelli Stargel
24	Jeff Brandes
26	Ben Albritton
28	Kathleen Passidomo
30	Bobby Powell Jr
32	Lauren Book
34	Gary M. Farmer Jr
36	Manny Diaz Jr
38	Jason Pizzo
40	Annette Taddeo



GIVEN under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the 20th day of November, A.D., 2018.

Ken Detzner
SECRETARY OF STATE

CERTIFICATE RECEIVED

The Secretary announced that The Honorable Ken Detzner, Secretary of State, had certified to the election of 2 Senators as follows:

**STATE OF FLORIDA
DEPARTMENT OF STATE**

I, **Ken Detzner**, Secretary of State of the State of Florida, do hereby certify that the following candidates were duly elected at the General Election held on the 6th day of November, A.D., 2018, to the office of Member, State Senate, as shown by the records of this office:

SENATE DISTRICT	ELECTED SENATOR
23 25	Joe Gruters Gayle Harrell



GIVEN under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the 20th day of November, A.D., 2018.

Ken Detzner
SECRETARY OF STATE

ROLL CALL

The roll of the Senate, as constituted by the 23 newly elected members, was called by the Secretary, in alphabetical order, and the following members of the Senate were recorded as present:

Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Gibson	Rouson
Berman	Gruters	Simmons
Book	Harrell	Simpson
Bracy	Hooper	Stargel
Bradley	Hutson	Stewart
Brandes	Lee	Taddeo
Braynon	Mayfield	Thurston
Broxson	Montford	Torres
Cruz	Passidomo	Wright
Diaz	Perry	
Farmer	Pizzo	

ELECTION OF SECRETARY

The President announced that nominations would be received for Secretary of the Senate for a term of two years and recognized Senator Perry who placed in nomination the name of Debbie Brown.

Senator Perry: It is an honor to recognize you. Eight sessions up here knowing the work that you do behind the scenes to make us all look better. Your professionalism, your thoughtfulness, you set an example for not only the colleagues here, but for the staff and also for the visitors of Tallahassee. You make it look easy, but I know it's not. It's very difficult. We thank you for your dedication and service. Thank you.

By unanimous consent of the membership, Debbie Brown was elected Secretary of the Senate for the 2018-2020 term.

OATH OF OFFICE ADMINISTERED

Secretary Debbie Brown was administered the oath of office by The Honorable Charles T. Canady, Florida Supreme Court Chief Justice.

SPECIAL GUESTS

Senator Passidomo recognized the Senate spouses.

Senator Stargel introduced Senator Galvano's wife, Julie Galvano.

The President recognized former Senate Presidents Andy Gardiner and his wife, Camille (2014-2016); Don Gaetz (2012-2014); Mike Haridopolos (2010-2012); Jeff Atwater (2008-2010); Tom Lee (2004-2006); John McKay and his wife, Michelle (2000-2002); and Jim Scott (1994-1996).

The President recognized former Speakers of the Florida House of Representatives Dean Cannon, John Thrasher, and Larry Cretul.

The President recognized former Senators Chris Smith, Frank Artiles, Van Poole, Curt Kiser, Arthenia Joyner, Daphne Campbell, Ron Silver, Rene Garcia, and Steve Geller.

The President introduced former Representative and current United States Congressman, Matt Gaetz; and former Senator and current United States Congressman, Al Lawson.

The President recognized former United States Senator, George Lemieux.

ORGANIZATION

The Senate proceeded to the organization of the body.

NOMINATIONS FOR PRESIDENT

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

The President recognized Senator Simpson who placed in nomination the name of Senator Bill Galvano of the 21st Senatorial District.

Senator Simpson: Thank you. It is my privilege to rise to nominate my friend, Bill Galvano, to serve as the President of the Florida Senate for the 2018-2020 term. To your incredible wife, Julie, and your children, Michael, William, and Jacqueline, thank you. Thank you on behalf of the Senate for loaning this great man to us. I know Bill. I know his love for you all, and I know his service is a sacrifice that each one of you have had to bear. You are all truly public servants.

When it comes down to it, we are sent here by one family to join another family—the Senate family. With many of the same issues facing both of these families—tension, stress, disagreements, love, laughter, budget problems, different ideas that need to be melded together in order to function. Sometimes our dramas play out a little more publicly than others, but in the end, we always remember that we are family. We are the Senate.

Personally, I am optimistic about our new leader. He is the right person for the right time. You may be asking, "What do I mean?" The best way I can explain it is to talk to you a little bit about the man that I hope you will vote for in just a few minutes. I'm not going to read from his bio, though it is very impressive. I am going to highlight some of my observations of my friend. For time's sake, I am going to talk about three things—three examples of why I am confident that this Senate is going to be in great shape in the months and years to come.

First, Bill has an incredible family heritage that has shaped his character long before he was ever elected to office. Bill's father was the son of an Italian immigrant, a loving father of six children, a famous golf pro that advised everyone from Bob Hope to U.S. Presidents. He was an outstanding wife-picker, marrying Bill's wonderful mother, Betty, who is here with us today. If you have spent any time around Bill, you know that his dad's most important role was that of Bill's mentor. More than anyone else, he shaped Bill's sense of family, of loyalty, of perseverance, and of leadership. Bill loves to throw out quotes now and then. More often than not, his quotes are taken from lines of wisdom that his dad gave him growing up. Two in particular stand out to me today. The first is "Play the hole you're on." In life, as in golf, and especially the business of politics, it is very easy to look towards the next hole, the next game,

the next election, rather than focusing on a particular job at hand. Not Bill. He has had many opportunities to benefit himself by looking beyond the play in front of him, but that would have caused harm to those with whom he serves, so he did not. Rather, he focused on the hole he was on each step of the way to this podium he is about to stand on and to the gavel he will soon raise. He put his job, his constituents, and each one of us first because his father instilled in him the principle that "You play the hole you're on." His father also taught him to value the time of others. He believed that time is the most sacred gift we can give each other, so if someone chooses to share theirs with you, honor that. Pay attention. Treat them with respect. In that moment, they are the hole you're on. Many of you in this room can attest to that. Even if you have an issue and you bring it to Bill's office, he will pay attention, he will help you in any way he can, he does not take our time lightly. He respects that we are all here on our own volition to make this state the best possible place for each one of our constituents. So, each time he values your time, you can thank his father.

The second characteristic is that Bill has no hidden agenda, no secret checklist of what he wants for himself. He truly, and I mean truly, wants to make his experience over the next two years fulfilling and meaningful to all of us. Bill sees his role as a facilitator of an environment for the best ideas. Ideas that will help grow our economy, improve our schools, protect our lands, keep our families safe. As a chairman, as a House member, as a Senator, as a leader, he has always worked collaboratively. He approaches problems thoughtfully and methodically. He looks for ways to bring people together, not push them away. He's exactly what we need right now.

Finally, Bill is just, well, cool. He's rubbed shoulders with really famous people thanks to his incredible dad and daughter. Under that calm, lawyer-like demeanor lives a renaissance man. He knows about music and sports and culture and, don't think I'm weird, but he knows about fashion. Seriously, we have a leader in the Senate that gets it. He will connect with people of all backgrounds of all generations. When you have that kind of experience, you are going to make better decisions. He can see things from different perspectives, and it's going to serve all of us well. So, fellow members, there it is. Organization session is about new beginnings. It's about a fresh start. It's about clean slates. I am confident that we are going to move forward in strength with the best attributes of each of us, with a restored sense of honor, a restored sense of excellence with our next Senate leader of this Senate family. It is my honor to nominate Bill Galvano to be the next Senate President.

The President recognized Senator Benacquisto who seconded the nomination of Senator Galvano.

Senator Benacquisto: Good afternoon. Senators, it is with great pride that I stand before you today to second the nomination of my dear friend, Bill Galvano. Senator, that you asked me to second your nomination is a true honor for all the apparent reasons, but it is an even greater privilege because you never make things about Bill Galvano. Yet, in this moment, I am pleased to be part of a historic moment that is all about you, and for that, I will be forever grateful.

Each Senator in this chamber knows just how much time and dedication we give in service to our communities, and no one truly knows this better than our spouses and our families. It is through their love and their support and their shared commitment to public service that we can dedicate the time needed to truly be a success during our time in office. The President Designate is incredibly blessed to have as his partner in this journey his amazing wife, Julie Galvano. We have all witnessed firsthand her devotion to Bill and their family. She is a constant presence in Tallahassee, on the road during the long days of the campaign trail and, if we continue to be lucky, during the next two years. To Michael, William, and Jackie, it is a joy to see your father with you, and I know he takes great pride in each of you and all of your many accomplishments. He always has a smile on his face, but it is amazing to see the smile he has that is simply reserved for just the three of you. And Grandma Betty, thank you for raising such a special man. To the entire Galvano family, thank you for lifting our next president up in love and support and in togetherness.

Senator Galvano, in appreciation of your Sicilian heritage, I will start with three quotes from the Corleones of "The Godfather" that immediately come to mind when we think of you. "Don't ever take sides against the family, ever," "You'll make him an offer he can't refuse," and "Never let anyone know what you're thinking." Now, those may seem

funny to share in a nomination speech, but, take note my friends, they may be quite instructive over the next two years. Marcus Aurelius said in his meditations, “Whatever happens to you has been waiting to happen since the beginning of time; the twinning strands of fate wove both of them together.” And Aurelius was correct. Senator Galvano, you have come to this position as if it was your destiny. I always joke with you about being the president that has 2,400 pledge cards, and it was as if everyone was at the ready just waiting for you to be this moment, to lead like no other before you. And why is that? Why do we all gravitate towards you and your leadership? It’s really quite simple. You are a man of firm ideals. You are a man who values tradition. You are a man who understands the special role and purpose of the Senate. You are kind. You are compassionate. You are disciplined. And you are fiercely loyal. And you are completely content to be exactly who you are.

And like Lincoln, you have the absolute best stories. There is a story for every occasion, and in each of them there is a gently coded message about what lies ahead and how we can best harness the lessons of the past to shape our state’s future. You’ve offered a steady hand of leadership during contentious times and dealing with contentious issues. Your calm and quiet reserve was exactly what was needed during some of the darkest moments in our recent history. We may never know exactly what you’re going to do or say, but we do know this: that it will be done with class and with reverence for differing points of view.

What is most truly special about you and why you enjoy such loyalty among us is how you make us feel about ourselves. Your devotion to doing the right thing and to acting with dignity and respect to both teammates and opponents alike is contagious. You elevate the level of discourse. You demand of yourself truthfulness, thoughtfulness, and preparedness, and we, in turn, mirror the same. You make us proud to be in service in this body. Because it’s as if our success matters more to you than your own. And what I’ve come to realize is that in setting your own bar so high, you are preparing us not just to serve under you as president but to serve alongside of you as true and complete equals. You embody the aims of Plato’s philosopher king—the man who rules, not for himself, but for the greater good of his people. Senators, those people are us. Let us rise to this moment, his moment, and become the embodiment of Senator Galvano and his many virtues. In other words, be like Bill. May we never mistake what lies beneath his quiet demeanor; he is a warrior.

Senator Galvano, on behalf of all Floridians whose aspirations you mean to achieve, we know that you will fight hard to improve the lives of everyone we serve, and you will be victorious in that effort. You will find success, Mr. President Designate, because success seeks you. It is with honor and great joy that I stand before you today to second the nomination of our good friend, Senator Bill Galvano, to be our next president. Godspeed.

MOTIONS

On motion by Senator Bean, nominations for President were closed.

ELECTION OF PRESIDENT

The roll was called on the election of the President and each Senator voted in the affirmative by saying, “Bill Galvano.”

The vote was:

Yeas—39

Albritton	Farmer	Pizzo
Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Gibson	Rodriguez
Berman	Gruters	Rouson
Book	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

OATH OF OFFICE ADMINISTERED

Senator Galvano was joined by his wife, Julie, at the bar of the Senate where the oath of office was administered by The Honorable Charles T. Canady, Florida Supreme Court Chief Justice. President Galvano then proceeded to the rostrum where he joined President Negron.

President Negron: Apparently Senator Simpson and I attended church regularly as children and have heard hundreds of sermons, and therefore our brains think in three points because I also have three points to mention about Senator Galvano. I had the good fortune to be his Tallahassee roommate, going all the way back to our time together in the Florida House. I have observed three things about Senator Galvano. Number one: he has a strong commitment to the members and the issues that are important to the members. Number two: no matter what issue was entrusted to President Galvano—and there were many, including my higher education agenda, thank you for getting it done—whatever issue was given to Senator Galvano, he mastered the underlying facts of policy. I think that’s a lesson for all of us—new and returning Senators—be prepared, know what’s in your bill. And third: to all of President Galvano’s and Julie’s friends and supporters who are here from Bradenton and Manatee County, parts of Hillsborough County, I want to report to you as someone who was there that no one works harder for his community than President Galvano. Whether it’s at 1:00 in the morning during a budget conference to make sure that a project important to Bradenton is in the budget, or any issue that affects your community, you have a person here in Tallahassee who the number one priority for him as a Senator is to make sure that his home has a voice and that their goals are achieved in the Legislature. Thank you for your service, and thank you for your friendship, Senator Galvano.

President Negron presented the gavel to President Galvano, the 88th President of the Florida Senate since statehood.

PRESIDENT GALVANO PRESIDING

ADDRESS BY PRESIDENT BILL GALVANO

Thank you. Thank you all so very much. President Negron, thank you for your tremendous leadership to this chamber—your service to the State of Florida. You have done great things—the Florida Senate will surely miss you, and I will miss you, too, my dear friend.

Julie, thank you for being my partner in life, my partner on this journey. I love you, and I am absolutely confident that you are going to be a wonderful First Lady of the Florida Senate. Michael, William, Jacqueline, I am so proud of you all. I love you very much. Thank you for being here. I love you, too, Mom.

Leader Simpson, Chair Benacquisto, thank you for your nominations, and thank you for those kind words. I will work hard every day with you and the rest of the Senators in this chamber to try to live up to those words. I truly, truly appreciate it. I saw that Speaker Oliva was here. *Speaker Oliva*, that sounds pretty good, right? I just want to wish him all the best. We have had the chance to really develop a friendship—not just between each other but with our families. He and I have accomplished so much together already, and I am excited about the next chapter of our journey beginning together. Governor-elect Ron DeSantis, thank you for being here today. Lieutenant Governor-elect Jeanette Nuñez, thank you for being here today. I am very excited about the work that we’ll do together. I’m eager to get to work with you and the rest of the Florida Senate. Leader Gibson, I truly appreciate all our years of service together, and I truly look forward to the work that we’ll do over the next two years. Congratulations again for having earned the respect and the support of your caucus.

To all of you who have joined here today, friends and family, thank you for being here. You honor the Florida Senate. Senators, thank you. I am both honored and humbled by your vote here today, and let me congratulate you on your success. You know, at my designation ceremony, President Lee pointed out that we all do the same things to get here. Walk in that 95-degree heat; all our families and friends make the same sacrifices so that we can serve and have the privilege of representing the people that we represent. So, know this going in: I have great respect for each and every one of you.

As pleased as I am to be here today and to celebrate this moment with my family, I would like to take a moment and remember one of our colleagues who is not with us—our dear friend, Senator Dorothy Hukill. You know, I feel like I speak for all of us who served with her and knew her when I say she is missed and will continue to be missed. And when we come back here next month for committee, we'll have a chance to gather formally to honor her memory. You know, at my designation ceremony, Dorothy led the prayer, and she eloquently spoke of the honor and privilege of public service and the aspirational goal of servant leadership. She asked God, she prayed fervently, that He would grant understanding, will, and especially grace to all of us who serve in this body. Those words were very meaningful at the time, but they are even more powerful and more special here today, and they will serve as a lasting memory of the love that she carried for each of us in this chamber. In my view, those words spoken by Senator Hukill, the accolades that we have heard on the floor here today, and will hear, the accolades that we will hear across the rotunda in the Florida House, and those spoken last night in honor of Leader Gibson stand in stark contrast to much of the dialogue we are witnessing today. Not just in the political process, but really in all areas of society.

Senators, the election cycle is over. It was a long election cycle, vigorously fought, and the voters have spoken, as is the cornerstone of our democracy. Now is the time to move forward united together for the purpose of representing, to the very best of our ability, the people of Florida. Just over a year ago, I told you that I believed that the strength of the Florida Senate, and its ability to best represent the 20-plus million people that we do, lies in maximizing the talents, the skills, the objectives, the goals, and the appreciation for humanity that each of you bring to this chamber. I call on you now to help me do that. As President, I will serve as a facilitator of your service to your constituents by empowering you and by providing opportunity for you. I truly believe that the ideas that you all will bring to this chamber for testing by this body will be the best basis for the future success of Florida. To be clear, I will not judge the success of the Florida Senate by the success of my personal agenda.

Together, we will write the agenda of the Florida Senate, and we'll do so with pens that are colored by the vast and diverse constituencies that we represent. I ask, however—in fact, I implore—that while we exchange ideas, debate the issues, and vet our would-be laws, that we do so with the honor and civility worthy of the Florida Senate. And let us extend that civility, and honor, and decorum to our interactions with the Florida House, with our governor and our cabinet, and, most certainly, with our constituents. As Senate President, I have very little ability to change the national discourse or to stem the tide of modern day incivility that is so pervasive in an era of social media and 24-hour news cycles. But I can tell you, as Senate President and while I am Senate President, that the Florida Senate will have civility, transparency, candor, and provide opportunity, including opportunity for the people of Florida to be heard by this body.

While outcomes cannot be guaranteed, a process that comports with the rules that we are going to adopt and the procedures embedded therein will be. Together, we can be the example for other states and world governments as to how to focus on policy, not politics, service, not severance. And as we're gathered here today, I cannot fully predict the challenges that lie ahead. Yes, it is important to plan, but it is equally important to be agile and ready to respond. In the 16 years that I have served the legislature, I have never been able to fully predict what was going to happen. Last session was no exception. Many of the major issues that we will face together have yet to reveal themselves. In addition, as you heard referenced earlier, I do believe in playing the hole you're on, as my father would say, and looking at the state and dealing with the issues as they exist on this day. Be ready for the issues at hand. And the truth is we just came through a devastating storm in northwest Florida—one that by most accounts is going to cost billions of dollars. Senator Gainer, Senator Broxson, Senator Montford—you and your constituencies were at ground zero. I thank you for your leadership and look to your continued leadership in that regard. But these are things that will impact how we make our budget decisions, how we make our policy decisions.

And while we have these issues such as the storm and other challenges that are facing the state, I still think it is right for us to be very proud of many of the past decisions and be optimistic about the future. Right now, Florida's private-sector job growth is outpacing the nation. We have the lowest unemployment in a decade. For the first time in our

history, we have a triple A bond rating by all three rating agencies. These indicators and others should help us be optimistic but should also inspire us to build upon the good decisions of the past, like keeping taxes low, regulation reasonable, putting aside ample reserves, and making smart investments in essential government services, which I believe includes supporting those Floridians that deserve and need our support. Servicemen and women, veterans, first responders, persons with unique abilities, children, and the elderly. By being disciplined, making the right decisions, we can continue to have a state that is strong, one in which families come to prosper and one where private-sector innovators come to expand and grow their businesses and our economy.

And, as we prioritize, I still believe that the future of our economy and its ability to diversify and grow is tied to our infrastructure and our investment therein. And I am talking about it at all levels from transportation to water to communications to power. We need together to think innovatively when it comes to infrastructure, so we're not just meeting the needs of today, mitigating the needs of yesterday, but anticipating the needs of tomorrow. As we move toward the year 2020, let's all of us have 20/20 vision to see far into the future to help us make the right decisions for the next generations.

Recent estimates tell us that we gain over 850 people a day in this state and will continue to over the next years. That means we are gaining a population slightly larger than the city of Orlando every year. We need to be ready. We need to govern with this reality in mind. We have great opportunity, and now it's time to get to the next level. With proper planning, we can attract technology and not just tourists. We can be a target for venture capital, for job creators, for start-ups. Let's work together in all these areas. Let's work together developing ideas and supporting our schools, working with them—our schools, our colleges, our universities—to ensure the necessary outcomes and flexibility so that students and their families can be part of this vision. Hand in hand with growing an economy is a trained and skilled workforce with a nexus to the demands of that economy. Together, we can find ways to maximize our technical schools, our state colleges. Our goal should be to continue to grow jobs, but I think it's time we hyper-focus on high-paying, skilled jobs.

I will also challenge this chamber and seek your leadership to support our rural communities, those communities that make up the spine of our state and the industries that support them. I ask you to help me find ways to strengthen, support research, and bring new technologies into agriculture. And let's take renewed interest in our timber industry and other crops that have been impacted by Hurricane Michael and those that are still crippled by Hurricane Irma.

In light of today's world, we must continue, also, to make sure we are doing everything we can to make Floridians secure and safe at all levels with our infrastructure, cyberspace, and, unfortunately, at our schools. We need to be prepared and we need to be structurally sound. Together, we can do our part to ensure the security of the people of Florida. Senators, the people of Florida have sent us some agenda items, in the form of constitutional amendments. We have opportunity and work to do in implementing them, and I expect that we will work diligently with our friends in the House to fulfill the will of the people.

I know the drive and dedication coupled with the diversity of backgrounds that all of you bring to this chamber are what it will take to get us there on these and myriad other issues. We have the skills, the talents, we have the tools, and we have the assets to be successful. Speaking of assets, we are very blessed in the Florida Senate to have the professional staff that we do. You new Senators are going to learn this very quickly. It is personally important to me that as we do the people's business, we continue to value and recognize the benefits that our staff bring to this process, and I am especially excited about our new Chief of Staff, Lisa Vickers.

I know we are all ready to get to work in earnest together, and we will do so very soon, but just know I am proud to be your colleague and proud to be part of your team. And when I say the team, I'm not just talking about the Senate, I'm talking about the House and everybody who toils in this noble profession. It's a true honor. And as I told you last October when I said I want you all to be open and listen to one another, I renew my pledge to you to listen to all of you, not just with my ears but with my mind and with my heart. Thank you all so much.

NOMINATIONS FOR PRESIDENT PRO TEMPORE

The President announced that nominations would be received for President Pro Tempore of the Senate for a term of two years.

The President recognized Senator Baxley who placed in nomination the name of Senator David Simmons of the 9th Senatorial District.

Senator Baxley: Thank you, Mr. President. I rise to nominate the Senator of the 9th District, Senator David Simmons, as the President Pro Tempore. Well, Senators, Mr. President, you're all familiar with the record of service, demeanor of respect and humility, intellect, and problem-solving with which Senator Simmons has served both in the Florida House and here in the Florida Senate. What I want to tell you about is a person—the person that he is, that you may not know because of his quiet, dignified demeanor. As his roommate for most of the years that we have served in the Legislature, you're at a vantage point where you see the real character of a man. I want you to know him. You see, David Simmons came from humble beginnings. He grew up on a farm in Tennessee. Despite his many successes as an adult that we see, as a prominent attorney, very successful businessman, and public servant, he never lost the core values that were established in his humble beginnings of America—hard work; diligence; giving your best; protecting faith, family, freedom, and opportunity for everyone. When I think of David Simmons, the first character trait that I think of is integrity. David Simmons protects his integrity and keeps his word. He searches for truth, and the true way is his overriding character trait. He also believes in family first—I have watched David, he's an incredibly devoted father to his daughters, Krysia and Alicya. From early on—they were very small when we started, and as they grew now to the women that they are—I've seen him doing homework with them over Skype, being on the phone at night with them, listening to their burdens, counseling them, encouraging them. I have seen him force his very busy schedule to accommodate something that was important to them and that was a big part of their lives. He is truly a man who they will always appreciate as the anchor of their lives. He's a peacemaker—David has a trait, perhaps from much of his professional career, he always wants to settle the case. He always wants to find the place of meeting, and he's always determined that we can get there. In an era when compromise is often derided, he really strives to find the win-win solutions that will yield positive results. He's a problem-solver. Senator Simmons loves to take hold of the big challenge and build a solution. You have chosen well in guiding your attention towards him, Sir. David Simmons always controls his emotions; he handles every situation with respect and dignity. As you can imagine, David and I don't always agree on issues. I'm quite passionate about things I believe, but he always conveys respect as he offers his wise counsel, his reasoning, and his wisdom in our many fireside chats on Beard Street. And when we reach an impasse on persuading one another, he always says, "I think you should sleep on it before you act." Wise counsel. Proverbs 15:22 says, "Plans stale for lack of counsel, but with many advisers they succeed." That's very true when there are advisers like David Simmons. For all these reasons and more, Mr. President, it is my privilege to nominate Senator David Simmons as President Pro Tempore of the Florida Senate.

The President recognized Senator Harrell who seconded the nomination of Senator Simmons.

Senator Harrell: Thank you, Mr. President. I rise to second the nomination of the Senator from the 9th District, Senator David Simmons, as President Pro Tempore of the Florida Senate. It is indeed an honor and privilege to nominate my good friend, Senator David Simmons from the 9th District, as President Pro Tempore of the Florida Senate. I have known Senator Simmons since we both were elected in 2000. As you may remember, this was the era of the contested presidential election, hanging chads, pregnant chads. I don't think there is another kid named Chad in the State of Florida. I met David when we were first elected, at our freshman orientation. That went on for four weeks, thank you, Speaker Feeney. I think he was so concerned that the 63 of us who were part of the first term-limited class really might elect their own speaker. But David was the start of that. I met him at our first conversation at Georgio's, back when you could actually have a lobbyist take you to dinner, before lobbyist reform. I was so impressed with his intellect, his ability to dissect problems, get to the core of the problem, and then analyze a potential solution for it. Maybe that's because he graduated first in his class in mathematics from Tennessee Technical University and then went on to Vanderbilt Law School. Upon graduation, Florida benefited with him moving to central Florida. His

depth of knowledge of such a wide variety of topics really will astound you. That has made him truly a leader in problem-solving in the major challenges that face Florida today. The Orlando Sentinel has called him the Legislature's problem-solver; the definition of substance over style; the work horse of the Legislature due to his ability to work with others and pass major legislation helping the citizens of Florida. You may consider him a little geeky and intellectual, a dispassionate analyst, but David is much more than that. You may not know that he actually taught himself to speak Spanish by listening to Spanish music and reading Spanish literature. As a former teacher of Spanish and Latin American history, I was so impressed with his knowledge of Spanish language, literature, and the Latino culture. I could spend hours telling you about David and his amazing career in the Florida House—we were there eight years together—he chaired the Education Appropriations Committee back in 2000 as a sophomore. When he began, he knew very little about education or appropriations, but knowing David, he just dove right in and he became the Chair of Education Appropriations for many years, and here in the Senate as well. What I truly admire about him is his compassion for the least of God's children, especially for those struggling to read. Having done a lot of legislation in this area, especially in dyslexia, I applaud him for offering the dramatically successful extra hour a day legislation that gives children in Florida, struggling readers, an extra hour of intentional reading instruction. He also sponsored legislation setting a new standard for local governments to address homelessness, which is significantly reducing homelessness in the State of Florida. On a subject majorly near and dear to me, Lake Okeechobee, he really was the spearhead that got \$100 million for the restoration of the dike that will help support Lake Okeechobee. Without David, this might not have happened. Most importantly, as you heard, he is the father of two beautiful girls who have grown up so well. I remember them as young ladies—now they're young ladies—I remember them as little children. I am so proud to second the nomination of Senator David Simmons for President Pro Tempore. God bless you, David.

MOTIONS

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

ELECTION OF PRESIDENT PRO TEMPORE

The roll was called on the election of the President Pro Tempore and each Senator voted in the affirmative by saying, "David Simmons."

The vote was:

Yeas—38

Albritton	Farmer	Pizzo
Baxley	Flores	Powell
Bean	Gainer	Rodriguez
Benacquisto	Gibson	Rouson
Berman	Gruters	Simpson
Book	Harrell	Stargel
Bracy	Hooper	Stewart
Bradley	Hutson	Taddeo
Brandes	Lee	Thorston
Braynon	Mayfield	Torres
Broxson	Montford	Wright
Cruz	Passidomo	Mr. President
Diaz	Perry	

Nays—None

OATH OF OFFICE ADMINISTERED

Senator Simmons was joined by his daughter, Krysia, at the bar of the Senate where the oath of office was administered by The Honorable Charles T. Canady, Florida Supreme Court Chief Justice.

The President invited President Pro Tempore Simmons to join him at the rostrum.

President Galvano: Joining Senator Simmons for the oath of office is his daughter, Kryisia. She is a student at the University of Miami in the Rosenthal School of Marine and Atmospheric Sciences with a double major in marine affairs and religious studies. Alicia, his daughter, could not be here today due to Hurricane Florence causing school delays, but hopefully, Alicia is watching by way of the Internet. She is an honors student at the University of North Carolina Wilmington and is majoring in English with a concentration on literary studies. She's on track to graduate in 2020.

Also, seated in the gallery are law partners, family, friends, and staff.

ADDRESS BY PRESIDENT PRO TEMPORE DAVID SIMMONS

Thank you, Mr. President and Julie. Senators, guests, welcome. *Y para mi hermanos hispanos, bienvenido.* Welcome, to my Hispanic brothers and sisters. I want to thank, first, President Galvano. Not only is he a good man, he's a gentleman. He is a good man who is doing great things. Julie, thank you. As the First Lady of the Senate, you are the person who provides the support, the quiet resolve, the assistance, the direction in many respects, for this man who is undertaking this awesome task, awesome responsibility. He's a man of integrity. He's a man of honesty, a man of hard work and character. Senators, you could not have done better in selecting a President as Bill Galvano.

I also want to thank my daughters, Kryisia and Alicia. You are the light of my life. You have made my life so rewarding, and I thank you for all of the support that you continue to give to me. I want to thank my law partners, my staff with me, my executive assistant, my partners Hugo, Tom, Dan, Kevin, all of you together who have put up with the challenges that exist with respect to me calling you at 11:00-12:00 at night, midnight, and even those fabled stories of 2:00 in the morning. Thank you for having helped build one of central Florida's largest law firms with me. Thank you to my Senate staff, Diane, Valerie, and Carolyn, and to all of the staff, just as President Galvano has pointed out, thank you for all that you have done to make us what we are and successes as we work for the people of the State of Florida.

In 1789, when Thomas Jefferson came back from being minister of France, the storied meeting between him and George Washington was such that the Constitutional Convention had completed, and Thomas Jefferson was concerned about, and actually perturbed that, there were two bodies that the Constitution provided for based upon the compromise between the big states and the small states. As he was sitting, having tea with President George Washington, he complained as he was pouring the hot tea into the saucer. He said, "Why did you have a Senate?" President Washington said, "For the same reason that you are pouring that hot tea into the saucer, so as to cool it." And so, we have created a Senate so as to cool the passions and the impulses of the House of Representatives.

Having served eight years in the House of Representatives, I understand the passion. I also understand the deliberation of you, those who have been selected by the people of the State of Florida to be Senators of this great state. We have an incredible history, Senators. You have an incredible history, a history for you to remember and revere. One of those is, as President Galvano has pointed out to you, the importance of debating the issues, not the personalities. Treating everyone with respect in this body. The rules are clear. The rules are clear that we are to debate the issues, not the personalities. Let me say that in a different way—a more pragmatic way—and that is you can't get to the policy if you can't get past the personalities. You can't sit down with a fellow Senator whom you have attacked personally, whether on the floor of the Senate or out in the rotunda where you may be called out and, in the passion of the debate, end up saying things that in retrospect you maybe didn't want to say because the fact of it is, words do matter. I remember a Baptist preacher saying to me once, "You can say things that you simply just can never take back." There's truth in that. There's truth in that. It's important for us as Senators, under the leadership of our President, to remember the civility that is essential for us to be able to meet the challenges of this great state.

As our President has pointed out, we are building upon the success of prior legislatures as well as our governors. There's a reason 350,000 people move to this state every year. They're moving from other states to be here because of our great quality of life. You cannot borrow

yourself into prosperity. We have the triple A bond rating, credit rating that President Galvano spoke to you about because we are fiscally conservative and that we are not borrowing the future of our children and our grandchildren on something for today. We are, according to many publications, including *Education Week*, we are 5th in the nation in K-12 achievement.

That doesn't mean that we don't have huge challenges. We do have huge challenges. Challenges with respect to facilities and infrastructure. Extra help for those children who so desperately need the assistance, including those, those such as the children, the students that President Gardiner so fervently worked to achieve support for and help for—for those with unique abilities. Thank you, President Gardiner. We know we've got to work on teacher retention and pay to treat them with the respect that they deserve. We've got to work to improve the environment here in the State of Florida, and in 2016, we passed major legislation to improve the quality of our waters, our aquifers, and our springs. Senators, we've got to keep that going. We've got to keep that working. We have to work toward the equality of opportunity of all where we treat everyone with respect and equality in this state. A President is a leader in treating people with respect. For a person that grew up on a farm in Tennessee, as Senator Baxley has said, I know what it's like to show up in tattered jeans and overalls and wonder whether I would be respected. I can assure you that President Galvano will treat all people with respect, starting with the least able to protect themselves, all the way up to each one of you, Senators, to lift you up so that you will be able to do that for which you came here to do. For we have a President who is a good man, leading each of you so that you can meet your potential because you came here to do a job.

As Thomas Edison said, "Opportunity is often missed because it's dressed in overalls and looks like work." Well, Senators, I can assure you that President Galvano and the State of Florida are going to give you plenty of opportunities that are going to be dressed in overalls and look like work. But you will be and are unleashed in order to accomplish those tremendous results for which you are capable, for which you are here. So I say to all of you, thank you very much for the tremendous, tremendous amount of respect and honor that you have placed upon the President, and the respect and honor that he has placed on me with the opportunity, one that is, I know, dressed in overalls and looks like work. God bless you, Senators. God bless you, Julie. God bless you, Mr. President. And God bless the State of Florida. Thank you so much.

RECOGNITION OF SERGEANT AT ARMS

The President recognized Senator Hutson who thanked the Senate Sergeant at Arms, Tim Hay, for his dedication and service to the Florida Senate.

Senator Hutson: I would like to recognize a man, along with his staff, that keeps us safe as we work through the legislative process and that is Sergeant Tim Hay.

COMMUNICATION

By direction of the President, the Secretary read the following communication by the Minority (Democratic) Office:

Debbie Brown, Secretary
The Florida Senate

November 19, 2018

Dear Madam Secretary:

This memo will certify that the Senate Democratic Caucus met today for the purpose of electing a Democratic Leader and Democratic Leader Pro Tempore. The Caucus has elected Senator Audrey Gibson as the Democratic Leader for the 2018-2020 term and Senator Bill Montford as the Democratic Leader Pro Tempore for the 2018-2020 term.

The President recognized Senator Gibson for brief remarks.

Senator Gibson: Thank you, Mr. President, and certainly a big congratulations to you. I'm extremely excited that you are President. You know, we started in 2008, and I appreciate that you have always been a measured thinker, very receptive to ideas, very thoughtful, and willing to listen. I have always appreciated that very, very much. One of the attributes that Senator Simpson probably doesn't know about or

forgot to mention is that you know smooth moves because I was able to show you some of those. Julie knows they were above board. In that same vein, I look forward to our work together. I and my caucus certainly share the goals that you mentioned and look forward to working together for the hopes, dreams, and desires of the people of the State of Florida. Thank you so very much, and again, congratulations.

COMMITTEES APPOINTED

On motion by Senator Braynon that a committee be appointed to notify the Governor that the Senate was convened for the purpose of organization, the President appointed Senators Berman, Diaz, Gruters, Hooper, Pizzo, and Wright, with Senator Diaz acting as Chair. The committee was excused.

On motion by Senator Brandes that a committee be appointed to notify the House of Representatives that the Senate was convened for the purpose of organization, the President appointed Senators Albritton, Broxson, Gainer, Montford, and Rouson, with Senator Gainer acting as Chair. The committee was excused.

COMMITTEES DISCHARGED

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

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

ADOPTION OF RULES

On motion by Senator Benacquisto, the Rules were adopted to govern the Senate for the ensuing two years.

On motion by Senator Benacquisto, the Secretary was authorized to make any technical and conforming changes to the 2018-2020 Senate Rules.

SENATE RULES

RULE ONE

OFFICERS, SENATORS, EMPLOYEES, AND ETHICS

PART ONE—SENATE OFFICERS

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

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

See Rule 5.6—Election by ballot.

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

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

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

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

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

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

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

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

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

See Rule 6.2(1)(c)—Motion to recess.

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

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

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

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

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

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

See Rule 8.2—Presiding officer's power of recognition.

See Rule 8.9—Appeals.

See Rule 8.10—Appeals debatable.

See Rule 11.1—Interpretation of Rules.

(3) ~~As necessary~~, The President is authorized to incur and approve travel and per diem expenses for sessions ~~the next session~~ of the Legislature. The President shall 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, ad hoc committees, and select committees. The President also appoints the Senate members of conference committees, joint committees, and joint select committees.

See Rule 2.1—Standing committees; standing subcommittees; select subcommittees.

See Rule 2.19—Conference committee in deliberation; reports.

See Rule 2.20—Appointment of chair and vice chair.

See Rule 2.26—Vice chair's duties.

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

1.6—The President's vote

The President or temporary presiding Senator shall not be required to vote in legislative proceedings, except on final passage of a measure. In all 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.

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

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

1.8—Election of the Senate Secretary

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

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

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

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

1.9—Duties of the Secretary at organization session

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

1.10—Duties of the Secretary generally; keeps Journal

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

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

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

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

1.11—The Secretary prepares daily calendar

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

- (a) The order of business;
- (b) The committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute;
- (c) The status of each bill, i.e., whether on second (2nd) reading, 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.

See Rule 1.45—Written notice required for certain meetings.

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

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

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

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

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

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

1.14—The Secretary prepares forms

The Secretary shall prepare all forms used by the Senate.

1.15—The Secretary examines legal form of bills for introduction

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

See Rule 3.1—Form of bills.

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

1.16—The Secretary supervises information technology operations; indexes bills

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

1.17—The Secretary transmits bills to the House of Representatives

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

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

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

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

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

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

PART TWO—SENATORS

1.20—Attendance, voting, and disclosure of conflicts

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

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

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

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

See Rule 2.27—Members' attendance, voting; proxy and poll votes prohibited.

See Rule 2.28—Taking the vote; post-meeting record of missed vote.

1.21—Excused absence

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

1.22—Senate papers left with Secretary

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

1.23—Senators deemed present unless excused

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

See Rule 4.2—Quorum.

1.24—Contested seat

If a Senate seat is contested, notice stating the grounds of such contest shall be delivered by the contestant to the Senate Secretary prior to the day of the organization session of the Legislature; and the contest shall be determined by **majority vote** as soon as reasonably possible. The President shall appoint a Credentials Committee to be composed of

not more than ten (10) members who shall consider the question and report their recommendations to the President, who shall inform the Senate. If a Credentials Committee submits its final report and recommendations to the President when the Legislature is not in session, the President may convene the Senate independently for the sole purpose of deciding a seating contest.

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

1.25—Facilities for Senators

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

1.26—Nonlegislative activities; approval of the President

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

PART THREE—SENATE EMPLOYEES

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

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

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

1.29—Employees forbidden to lobby

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

1.30—Duties and hours

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

1.31—Absence without permission

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

1.32—Employee political activity

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

PART FOUR—LEGISLATIVE CONDUCT AND ETHICS

1.35—Legislative conduct; the public trust

Every Senator shall conduct himself or herself in a manner that promotes respect for the law, upholds the honor, integrity, and independence of the Senate, and justifies the confidence placed in him or her by the people 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) By personal example and admonition to his or her colleagues, every Senator shall avoid unethical or illegal conduct.

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

1.36—Improper influence

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

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

(1) During any regular legislative session, extended session, or special session, a Senator may not directly or indirectly solicit, cause to be solicited, or accept any contribution on behalf of either the Senator's own campaign, any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, any political committee, ~~any 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, or 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. A ~~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 four (4) hours in length which addresses the requirements of law under the Code of Ethics for Public Officers and Employees, open meetings, public records, and any other subject approved by the President. Prior to the opening day of every regular session, all Senators shall complete a course of at least one (1) hour in length which addresses workplace harassment, sexual harassment, sensitivity and the proper handling of such issues in the workplace. Senators filling a vacant seat at a special election after opening day shall complete the course within fourteen (14) days of election ~~prior to being sworn into office~~.

1.41—Senate employees and conflicts

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

1.42—Advisory opinions

Questions from Senators relating to the interpretation and enforcement of Rules regulating legislative conduct and ethics shall be referred to the Senate General Counsel 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 complainant shall also file a copy of the sworn complaint with the Senate General Counsel.

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

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

- (a) Upon a determination by the Rules Chair, or the President when the complaint is against the Rules Chair, that the complaint fails to state facts supporting a finding of a violation of the Senate Rules ~~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 that, if true, would be a violation of the Senate Rules ~~supporting a finding of probable cause~~, the complaint shall be referred to a special master or select committee to determine probable cause. If a select committee is appointed, it shall be comprised of an odd number of members.
 1. The special master or select committee shall give reasonable notice to the Senator who is alleged to have violated the Rules, shall conduct an investigation, 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 report and recommendation shall then be prepared.
 2. The A special master's report and recommendation is advisory only and shall be presented to the Rules Chair and, or the President when the complaint is against the Rules Chair, as soon as practicable after the close of the investigation.
 3. 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.
 4. If the complaint is not dismissed, another select committee will be appointed and 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.
 5. If the select Rules committee votes to dismiss the complaint, the Rules chair or vice chair shall dismiss the complaint.
 6. Otherwise, the special master's report and recommendation and the recommendation of the select Rules committee shall be presented to the President.
 7. The President shall present the committee's recommendation, along with the special master's report and recommendation, to the Senate for final action.
- (c) The Rules Chair, or the President when the complaint is against the Rules Chair, shall act within thirty (30) days of receipt of a complaint, unless a concurrent jurisdiction is conducting an investigation, in which case a decision may be deferred until such investigation is complete.
- (d) Nothing in this Rule prohibits a Rules Chair, or the President when the complaint is against the Rules Chair, from allowing a Senator to correct or prevent an inadvertent, technical, or otherwise *de minimis* violation by informal means.
- (e) Nothing in this Rule prohibits the Rules Chair, a select committee appointed pursuant to this Rule, or the President when the complaint is against the Rules Chair, from recommending a consent decree if agreed to by the Senator. The decree shall state findings of fact and set forth an appropriate penalty. If the Senate accepts the consent decree, the complaint shall be deemed resolved.

(2) Separately from any prosecutions or penalties otherwise provided by law, a Senator determined to have violated the requirements of

the Rules regulating legislative conduct and ethics may be admonished, censured, reprimanded, or expelled. Such determination and disciplinary action shall be taken by a **two-thirds (2/3) vote** of the Senate; ~~on recommendation of the Rules Committee.~~

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

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

PART FIVE—PUBLIC MEETINGS AND RECORDS

1.44—Open meetings

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

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

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

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

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

1.45—Written notice required for certain meetings

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

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

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

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

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

a diligent effort to give actual notice to members of the media of all noncalendared meeting notices.

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

1.46—Constitutional requirements concerning open meetings

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

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

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

See Rule 2.13—Open meetings.

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

1.47—Reapportionment information

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

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

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

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

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

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

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

(5) The Secretary shall, with the approval of the President, establish a reasonable fee for copies of public legislative records not exempted from public disclosure. Such fees shall be based upon the actual cost of

duplication of the record and shall include the material and supplies used to duplicate the record but not the labor cost or overhead cost associated with such duplication. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by employees of the Senate, a special service charge in addition to the actual cost of duplication may be imposed. Such special service charge shall be reasonable and based on the cost incurred for the extensive use of information technology resources or the labor cost of employees providing the service that is actually incurred by the Senate or attributable to the Senate for the clerical and supervisory assistance required.

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

(7) For the purpose of this Rule, a Senator's district office shall include the offices each Senator retains for the transaction of official legislative business in his or her respective district and the assigned offices located in the Senate 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.
See Rule 1.43—Violations; investigations, penalties.
- (c) A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.
- (d) A draft of a report, bill analysis, fiscal note, report prepared by a contract employee or consultant retained by the Legislature or the Senate and materials in support thereof until the draft is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.
- (e) A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.
- (f) Records prepared for or used in executive sessions of the Senate until ten (10) years after the date on which the executive session was held.
- (g) Portions of records of former legislative investigating committees whose records are sealed or confidential as of June 30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained in the committees' records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.

- (h) Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.
- (i) Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

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

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

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

1.49—Violations of Rules on open meetings and notice

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

See Rule 1.43—Violations; investigations, penalties.

RULE TWO

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

PART ONE—COMMITTEES—ORGANIZATION, DUTIES, AND RESPONSIBILITIES

2.1—Standing committees; standing subcommittees; select subcommittees

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

- (a) Agriculture
- (b) Appropriations
 1. Subcommittee on Criminal and Civil Justice
 2. Subcommittee on the Environment and Natural Resources
 3. Subcommittee on Finance and Tax
 4. Subcommittee on General Government
 5. Subcommittee on Health and Human Services
 6. Subcommittee on Higher Education
 7. Subcommittee on Pre K—12 Education
 8. 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
- (j) Environmental Preservation and Conservation
- (k) Ethics and Elections
- (l) Governmental Oversight and Accountability
- (m) Health Policy
- (n) Judiciary
- (o) Military and Veterans Affairs, Space, and Domestic Security
- (p) Reapportionment
- (q) Regulated Industries
- (r) Rules
- (s) Transportation

(2) Permanent standing committees and standing subcommittees, when created and designated by Senate Rule, shall exist and operate both during and between sessions. The President is authorized to create and designate permanent standing committees and standing subcommittees prior to the 2019 Regular Session. The President shall inform the Minority Leader of the creation and designation of said committees. The Secretary of the Senate is directed to include the names of such committees in the published Senate Rules.

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

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

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

- (a) A select subcommittee may study or investigate a specific issue falling within the jurisdiction of the standing committee ~~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 Capitol rotunda four (4) hours in advance of the meeting. A committee meeting announced during a sitting may occur four (4) hours after notice of the meeting has been published on the Senate website and posted on the Senate side of the fourth (4th) floor Capitol rotunda. Such notices may be posted in advance of the oral announcement during the sitting.

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

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

2.7—Bills recommitted for failure to provide proper notice

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

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

(2) A bill reported by a standing subcommittee 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. Notice of such assignment shall be published on the Senate website and posted on the Senate side of the fourth (4th) floor Capitol rotunda.

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

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

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

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

2.12—Order of consideration of bills; exception

Bills shall be considered in the order appearing in the notice required by these Rules, except that the chair may, 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.

2.13—Open meetings

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

See Rule 1.44—Open meetings.

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

2.15—Standing committee reports; committee substitutes

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

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

- (d) Unfavorably.

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

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

- (2) Such reports shall also reflect:

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

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

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

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

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

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

2.16—Standing subcommittee reports

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

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

- (2) Such reports shall also reflect:

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

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

(3) In reporting a bill to the standing committee ~~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.

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

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

~~(7)(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 and further amendment by members of the standing committee shall be allowed prior to a vote on final passage 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, s. 4(e) Quorum and procedure.

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

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

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

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

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

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

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

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

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

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

PART TWO—COMMITTEES—OFFICERS

2.20—Appointment of chair and vice chair

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

2.21—Call to order

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

2.22—Chair's control

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

2.23—Chair's authority; appeals

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

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

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

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

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

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

2.24—Chair, vice chair; vote

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

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

2.25—Temporary alternate to chair

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

2.26—Vice chair's duties

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

PART THREE—COMMITTEES—MEMBERS**2.27—Members' attendance, voting; proxy and poll votes prohibited**

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

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

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

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

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

See Rule 11.4—Majority action.

PART FOUR—COMMITTEES—VOTING**2.28—Taking the vote; post-meeting record of missed vote**

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

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

(2) A member may request to:

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

before the results of a roll call are announced.

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

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

2.29—Pair voting prohibited

No pair voting shall be permitted in a committee.

2.30—Casting vote for another

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

2.31—Explanation of vote; deferring a vote prohibited

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

PART FIVE—COMMITTEES—MOTIONS AND PRECEDENCE**2.32—Motions; how made, withdrawn**

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

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

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

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

2.33—Motions; precedence

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

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

which shall have precedence in the descending order given.

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

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

2.34—Division of question

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

See Rule 6.3—Division of question.

2.35—Reconsideration generally

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

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

See Rule 2.38—Reconsideration; collateral matters.

~~(3) 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.~~

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

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

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

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

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

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

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

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

2.36—Reconsideration; vote required

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

2.37—Reconsideration; debate allowed

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

2.38—Reconsideration; collateral matters

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

PART SIX—COMMITTEES—AMENDMENTS

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

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

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

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

(3)(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.

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

2.40—Sequence of amendments to amendments

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

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

See Rule 7.3—Sequence of amendments to amendments.

2.41—Deleting everything after enacting clause

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

2.42—Amendment by section

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

2.43—Senate amendments to House bills

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

2.44—Amendments by previous committees

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

PART SEVEN—COMMITTEES—DECORUM AND DEBATE

2.45—Decorum and debate; proper forms of address

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

2.46—Chair’s power to recognize

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

2.47—Interruptions; when allowed

- (1) No member shall be interrupted by another without the consent of the member who has the floor, except by:
- (a) Rising to a question of privilege;
 - (b) Rising to a point of order requiring an immediate ruling;

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

- (2) The chair shall strictly enforce this Rule.

2.48—Speaking rights

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

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

2.49—Time allowed for debate

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

2.50—Limitation on debate; vote at a time certain

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

See Rule 8.6—Limitation on debate.

2.51—Priority of business; debate thereon

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

RULE THREE

BILLS, RESOLUTIONS, AND MEMORIALS

3.1—Form of bills

(1) All bills shall contain a proper title, as required by 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, s. 6 Laws.

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

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

See Rule 11.6—General; definitions.

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

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

(4) In general bills and joint resolutions that propose to create or amend existing provisions of the *Florida Statutes, Laws of Florida*, or the *State Constitution*, new words shall be inserted underlined, and words to be deleted shall be lined through 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, s. 10 Special laws.

3.4—Form of joint resolutions

Joint resolutions shall contain a proper title, as ~~required by 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, s. 6 Laws.

3.5—Form of memorials

Memorials shall contain a proper title, as ~~required by 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) 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 to any person after the resolution's adoption.

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

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

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

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

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

3.8—Filed bills; consideration between regular sessions

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

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

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

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

3.9—Copies of bills

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

3.10—Identification of bills

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

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

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

(1) A companion measure shall be substantially the same and identical as to specific intent and purpose as the measure for which it is being substituted.

(2) When a Senate bill is reached on the calendar of the Senate for consideration, either on second (2nd) or third (3rd) reading, and there is also pending on the calendar of the Senate a companion measure already passed by the House, it shall be in order to move that the House companion measure be substituted and considered in lieu of the Senate measure.

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

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

(4) At the moment the Senate passes a House companion measure, the original Senate measure shall be regarded as automatically tabled. Recommitment of a Senate bill shall automatically carry with it any House companion measure then on the calendar.

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

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

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

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

3.13—Fiscal notes

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

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

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

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

RULE FOUR

ORDER OF BUSINESS AND CALENDAR

4.1—Sittings of the Senate

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

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

4.2—Quorum

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

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

4.3—Daily Order of Business

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

- (a) Roll Call
- (b) Prayer
- (c) Pledge of Allegiance to the Flag of the United States of America
- (d) Reports of Committees
- (e) Motions Relating to Committee Reference
- (f) Messages from the Governor and Other Executive Communications
- (g) Messages from the House of Representatives
- (h) Matters on Reconsideration
- (i) Consideration of Bills on Third (3rd) Reading
- (j) Special Order Calendars
- (k) Consideration of Bills on Second (2nd) Reading
- (l) Correction and Approval of Journal
- (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, s. 7 Passage of bills.

4.31—Unanimous consent required

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

See Rule 4.6(6)—Reference generally; reference of local bills.

4.5—Conference committee report

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

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

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

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

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

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

4.6—Reference generally; reference of local bills

(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.~~

~~(2)(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 recommended by the introducer. In the event of extended absence of the President or the President's disability or incapacity, the President Pro Tempore shall assume the duty of referring bills.

~~(3)(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.

~~(4)(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.

~~(5)(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.

~~(6)(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 4.31 ~~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 ~~that which~~ substantially amends the bill, the President may change or correct the reference of the reported bill within seven (7) days after the filing of the report. Notice of a reference change shall be given to the Secretary and the introducer of the bill.

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

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

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

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

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

4.81—Claim bills

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

~~(2) A claim bill filed by a current serving Senator must be filed by August 1 to be considered by the Senate during the next regular session. A claim bill filed by a newly elected Senator must be filed within thirty (30) days after election or before the first scheduled interim committee meeting, whichever is later. The deadline for newly elected Senators to file claim bills for the 2019 Regular Session shall be thirty (30) days from adoption of these Rules. Thereafter, claim bills must be filed as provided above. A claim bill that is filed after the deadline may not be considered by the Senate without approval of the Rules Committee. 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 that 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 that 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 a de novo ~~such~~ hearing pursuant to reasonable notice.

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

The special master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the special master who shall be available, in person, to explain his or her report to the committees and to the Senate.

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

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

4.9—Reference of resolutions

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

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

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

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

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

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

(2) Notwithstanding these Rules, a Senator may, during the day of introduction of filed bills, but no later than under the Order of Business

of "Motions Relating to Committee Reference" on the second (2nd) day on which the Senate sits, move for reference to a different committee or for removal from a committee. This motion may be adopted by a **two-thirds (2/3) vote** of those Senators present.

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

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

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

4.12—Reading of bills and joint resolutions

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

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

4.13—Reading of concurrent resolutions and memorials

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

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

4.14—Reading of Senate resolutions

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

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

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

See Rule 6.2—Motions; precedence.

4.16—Consideration out of regular order

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

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

4.17—Procedure to establish Special Order Calendars and Consent Calendars

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

The President shall determine the order in which such bills appear on the published Special Order Calendar.

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

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

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

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

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

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

4.18—Local Bill Calendar

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

4.19—Order after second (2nd) reading

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

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

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

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

4.20—Enrolling

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

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

4.21—Veto messages

Veto messages shall be referred to the Rules Committee.

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

RULE FIVE

VOTING

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

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

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

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

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

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

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

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

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

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

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

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

5.3—Casting vote for another

(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 a brief explanation in writing to the Secretary, who shall enter it in the Journal.

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

5.6—Election by ballot

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

RULE SIX

MOTIONS AND PRECEDENCE

6.1—Motions; how made, withdrawn

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

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

6.2—Motions; precedence

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

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

which shall have precedence in the descending order given.

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

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

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

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

6.3—Division of question

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

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

6.4—Reconsideration generally

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

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

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

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

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

6.5—Reconsideration; vote required

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

6.6—Reconsideration; debate; time limits

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

6.7—Reconsideration; collateral matters and procedural motions

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

6.8—Reconsideration; Secretary to hold for period

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. The adoption of a motion to waive the Rules by a **two-thirds (2/3) vote** of those Senators present and immediately certify any bill to the House shall be construed as releasing

the measure from the Secretary's possession for the period of reconsideration and shall, thereafter, preclude reconsideration. Unless otherwise directed by the President, during the last fourteen (14) days of a regular session and during any extension thereof, or during a special session, bills shall be immediately transmitted to the House. Messages relating to Senate action on House amendments or to conference committee reports shall be transmitted by the Secretary forthwith.

See Rule 1.17—The Secretary transmits bills to the House of Representatives.

See Rule 6.4—Reconsideration generally.

6.9—Motion to indefinitely postpone

A motion to indefinitely postpone is debatable and, if approved, shall dispose of a measure for the duration of the legislative session and all extensions thereof. A motion to postpone consideration to a time beyond the last day allowed under the *State Constitution* for the current legislative session shall be construed as a motion to indefinitely postpone. Motions to indefinitely postpone shall not be applicable to collateral matters.

6.10—Committee substitute; withdrawn

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

6.11—Temporarily postpone

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

(2) If a main question 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; germanity requirement; notice; manner of consideration; filing deadlines

(1) No main amendment to a bill on any Senate calendar shall be considered by the Senate unless the amendment was prepared in proper form and filed with the Secretary no later than 2:00 ~~5:00~~ p.m. the day before it is to be offered at a sitting.

(2) Substitutes for main amendments shall be filed by 4:00 p.m. and amendments to main amendments and amendments to substitute amendments by 5:00 p.m.

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

(4) Copies of such amendments shall be made reasonably available by the Secretary before the sitting, upon request, to the Senators and to the public.

~~(5)(3)~~ Consideration of all amendments not timely filed in accordance with this Rule requires a **two-thirds (2/3) vote** of those Senators present, if any Senator requests that such vote be taken.

~~(6)(4)~~ Amendments shall be filed with the Secretary on forms prescribed by the Secretary but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chair of the committee (or, in the chair's absence, the vice chair or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments.

~~(7)(5)~~ 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.

~~(6) No proposition on a subject different from that under consideration shall be admitted in the form of an amendment.~~

~~(8)(7)~~ The following bills are out of order and shall not be admitted or considered in the form of an amendment to a bill on the calendar and under consideration by the Senate:

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

Amendments covered by this Rule shall be substantially the same and identical as to specific intent and purpose as the measures described in paragraphs (a), (b), (c), or (d).

~~(9)(8)~~ Reviser's bills may be amended only by making deletions.

7.2—Adoption

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

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

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

See Rule 4.15—Referral or postponement on third (3rd) reading.

7.3—Sequence of amendments to amendments

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

- (a) Amendments to the amendment are acted on before the substitute is taken up. Only one (1) amendment to the amendment may be pending.

- (b) Amendments to the substitute are next voted on.
- (c) The substitute then is voted on.

(2) If a substitute amendment is adopted in place of an original main amendment, it shall be treated as an amendment to the bill itself.

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

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

7.4—Deleting everything after enacting clause

An amendment deleting everything after the enacting clause of a bill, or the resolving clause of a resolution, and inserting new language of the same or related subject as stated in the original title shall be deemed proper and germane.

7.5—Amendment by section

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

7.6—Printing in Journal

All amendments taken up by the Senate unless withdrawn shall be printed in the Journal, except that an amendment to the general appropriations bill constituting an entirely new bill shall not be printed until the filing of the conference committee report. All item amendments to the general appropriations bill shall be printed.

7.7—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill. If a House bill is amended, this action shall be noted by the Secretary on the jacket before it is transmitted to the House.

7.8—House amendments to Senate bills

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

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

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

7.9—House refusal to concur in Senate amendment

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

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

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

RULE EIGHT

DECORUM AND DEBATE

8.1—Decorum and debate

(1) When a Senator desires to speak or present a matter to the Senate, the Senator shall rise at his or her seat and address himself or herself to “Mr. or Madam President” and, on being recognized, may address the Senate from his or her desk or from the well of the Senate and shall confine any remarks to the question under debate, avoiding personality.

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

8.2—Presiding officer’s power of recognition

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

8.3—Interruptions; when allowed

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

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

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

8.4—Senator speaking, rights

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

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

8.5—Limit on speaking

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

8.6—Limitation on debate

When a matter is under debate by the Senate, a Senator may move to limit debate, and such motion shall be decided without debate, except the introducer of the matter on which debate would be limited shall have **five (5) minutes** to discuss said motion. If, by a **two-thirds (2/3) vote** of those Senators present, the question is decided in the affirmative, debate shall be limited accordingly. Debate may be further extended by a **majority vote**.

8.7—Points of order, parliamentary inquiry, definitions

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

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

- (a) About business pending or soon to be pending before the Senate; or

- (b) A device for obtaining a predetermination of a rule or a clarification thereof which may be presented in hypothetical form.

8.8—Repealed

8.9—Appeals

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

8.10—Appeals debatable

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

8.11—Questions of privilege

- (1) Questions of privilege have two (2) forms:
- Privilege of the Senate—Those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and
 - Privilege of a Senator—The rights, reputation, and conduct of Senators individually, in their representative capacity only.
- (2) These shall have precedence over all other questions except motions to adjourn or recess. A question of privilege affecting the Senate 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

- A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he or she openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.
- A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his or her relationship with legislators.
- A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

(4) A lobbyist may not make any expenditure prohibited by section 11.045(4)(a), Florida Statutes, or by law.

9.3—Lobbyists' requirements

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

9.35—Contributions during sessions

During a regular legislative session, and during an extended or special session as further provided for in Rule 1.361(2), a lobbyist may not directly or indirectly contribute to a Senator's own campaign, or to any

organization that is registered, or should have been registered, with the Rules Committee pursuant to Rule 1.361(3).

9.4—Advisory opinions

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

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

9.5—Compilation of opinions

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

9.6—Violations; investigations, penalties

(1) Any person may file a sworn complaint with the Rules Chair alleging a violation of the Rules regulating the conduct and ethics of lobbyists. The complainant shall also file a copy of the sworn complaint with the Senate General Counsel.

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

- 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 Rules Chair that the complaint fails to state facts supporting a finding of a violation of the Senate Rules probable cause, the complaint shall be dismissed.
- Upon a determination by the Rules Chair that the complaint states facts that, if true, would be a violation of the Senate Rules, the complaint shall be referred to a special master or select committee to determine probable cause. If a select committee is appointed, it shall be comprised of an odd number of members.

- The special master or select committee shall give reasonable notice to the lobbyist who is alleged to have violated the Rules, shall conduct an investigation, 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 report and recommendation shall then be prepared.
- The A special master's report and recommendation is advisory only and shall be presented to the Rules Chair and the President as soon as practicable after the close of the investigation.
- 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, another select the Rules committee will be appointed and 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 select 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 select 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) The Rules Chair shall act within thirty (30) days of receipt of a complaint, unless a concurrent jurisdiction is conducting an investigation, in which case a decision may be deferred until such investigation is complete.

(3) Nothing in this Rule prohibits a Rules Chair from allowing a lobbyist to correct or prevent an inadvertent, technical, or otherwise *de minimis* violation by informal means.

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

(5)(2) Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of Rule Nine shall be admonished, censured, reprimanded, placed on probation, or prohibited from lobbying for the duration of the session and from appearing before any Senate committee. Such determination shall be made by a majority vote of the Senate, 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

See Senate Rules Appendix A for lobbyist expenditures and compensation requirements. The appendix is hereby incorporated by reference as a Rule. 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.~~

e)—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 electorating 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)g)7. above.

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

ANSWER: It depends. Yes, provided the organization hosting the event is not a principal and none of the food and beverages are paid for or provided by a lobbyist or principal. Otherwise, the legislator or legislative employee could attend the event but could not partake of the free food or beverages or they can pay the fair market value of what they consume.

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

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

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

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

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

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

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

ANSWER: Yes.

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

ANSWER: Senate Rule 1.361 precludes a senator, and House Rule 15.3 precludes a representative, from accepting a campaign contribu-

tion 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 Buseh 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 non-profit 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 non-profit 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

(1) No person shall be admitted to the main floor of the Senate Chamber while the Senate is sitting except present members of the Senate, all officers and employees of the Senate in the performance of their duties, and persons charged with messages or papers to the Senate. Also entitled to admission are the Governor or one (1) representative designated by the Governor, the Lieutenant Governor, Cabinet officers, former Governors, present and former United States Senators, present and former members of the House of Representatives of the United States and of this State, Justices of the Supreme Court, former State Senators of Florida, and persons by invitation of the President.

(2) A special section of the gallery shall be reserved for members of the families of Senators.

10.2—Exception to chamber admission Rule

Except at the discretion of the President, no person entitled to admission shall be admitted if registered pursuant to Rule Nine. During a sitting, no person admitted under this Rule shall engage in any lobbying activity involving a measure pending before the Legislature during the legislative session.

10.3—Admission of media by President

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

10.4—Attire

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

10.5—Gallery

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

RULE ELEVEN

CONSTRUCTION AND WAIVER OF RULES

11.1—Interpretation of Rules

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

11.2—Waiver and suspension of Rules

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

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

11.3—Changes in Rules

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

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

11.4—Majority action

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

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

11.5—Uniform construction

When in the Senate Rules reference is made to a ~~“two-thirds (2/3) 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 entire membership of the Senate shall be required when so indicated, to consider additional proposed legislation in any extended session in accordance with Article III, Section 3 of the State Constitution.

11.6—General; definitions

When used in the Senate Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning:

- (1) The singular always includes the plural.
- (2) Except where specifically provided or where the context indicates otherwise, the use of the word “bill,” “measure,” “question,” or “matter” means a bill, joint resolution, concurrent resolution, resolution, or memorial.
- (3) In addition to the definition in subsection (2), “matter” also means an amendment, an appointment, or a suspension.
- (4) “Introducer” shall mean the first-named Senator on a bill. In the case of a bill originally introduced by a committee, the committee shall be the introducer.

11.7—Sources of procedural authority

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

RULE TWELVE**EXECUTIVE SESSIONS, APPOINTMENTS,
SUSPENSIONS, AND REMOVALS****PART ONE—EXECUTIVE SESSIONS****12.1—Executive session; authority**

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

12.2—Executive session; purpose

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

12.3—Executive session; vote required

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

12.4—Executive session; work product confidentiality

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

12.5—Executive session; separate Journal

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

12.6—Violation of Rule

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

**PART TWO—APPOINTMENTS, SUSPENSIONS, AND
REMOVALS****12.7—Procedure; generally**

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

12.8—Procedure on executive appointments

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

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

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

12.9—Procedure upon receipt of an executive suspension

(1) Unless suspension proceedings are held in abeyance, the committee, subcommittee, or special master shall institute action by transmitting a notice of hearing for a prehearing conference or a hearing on the merits within 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. ~~Notwithstanding an abeyance, 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. Nothing in this Rule shall be interpreted as preventing the Senate from proceeding if the Senate President determines due process so requires.

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

(4) When it is advisable, the committee, subcommittee, or special master may request that the Governor file a bill of particulars containing a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after receipt of the Governor's bill of particulars, the suspended officer shall file a response with the committee, subcommittee, or special master. Such response shall specifically admit or deny the facts or circumstances set forth in the Governor's bill of particulars, and may further make such representation of fact and circumstances or assert such further defenses as are responsive to the bill of particulars or as may bear on the matter of the suspension.

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

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

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

12.10—Adjudication of guilt not required to remove suspended officer

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

12.11—Special master; appointment

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

12.12—Special master; floor privilege

With consent of the President, the special master may have the privilege of the Senate floor to present and explain the report and answer questions as to the law and facts involved.

12.13—Issuance of subpoenas and process

The committee, subcommittee, and special master shall each have the authority to request the issuance of subpoenas, subpoenas *duces tecum*, and other necessary process under Rule 2.2. The committee chair, subcommittee chair, and special master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear to testify on matters pending before the committee, subcommittee, or special master.

12.14—Rule takes precedence

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

RULE THIRTEEN

SPECIAL SESSION

13.1—Applicability of Senate Rules

All Senate Rules shall apply and govern during special sessions except to the extent expressly modified or specified herein.

13.2—Sittings of the Senate

(1) The Senate shall convene pursuant to a schedule provided by the President or at the hour established by the Senate at its last sitting.

(2) A calendar may be published before a special session convenes.

13.3—Committee meetings; schedule, notice, amendment deadline

(1) Committee meetings shall be scheduled by the President.

(a) Meetings of committees may be held after notice is published on the Senate website and posted on the Senate side of the fourth (4th) floor Capitol rotunda for two (2) hours in advance of the meeting. If possible, such notice shall appear in the daily calendar.

(b) A committee may meet less than two (2) hours after the convening of a special session if a notice is filed with the Secretary at least two (2) hours before the scheduled meeting time.

(2) The notice shall include the date, time, and place of the meeting together with the name of the introducer, subject, number of each bill or proposed committee bill to be considered, and the amendment deadline for the meeting as provided herein. All other provisions for publication of notice of committee meetings are suspended.

(3) Main amendments shall be filed no later than one (1) hour before the scheduled convening of a committee meeting. Amendments adhering to main amendments shall be filed not later than **thirty (30) minutes** thereafter.

13.4—Delivery for introduction

Bills for introduction may be delivered to the Secretary at any time.

13.5—Committee reports

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

amendments” shall follow the identifying number. Committee amendments shall be identified by barcode in the report. All bills reported unfavorably shall be laid on the table.

(2) Bills referred to a standing subcommittee shall be reported to the standing committee 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 shall be read to the Senate. Upon completion of the reading and subsequent debate, the vote shall first be:

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

Copies of conference committee reports shall be available to the membership two (2) hours prior to the time such report is scheduled to be taken up on the Senate floor.

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

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

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

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

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

(7) After Senate conferees have been appointed for thirty-six (36) hours and have failed to make a report, it is a motion of the highest privilege to move to discharge said Senate conferees and to appoint new conferees, or to instruct said Senate conferees.

13.7—Reconsideration

A motion to reconsider shall be considered when made.

13.8—Procedure to establish Special Order Calendars

(1) The Rules Chair, Majority Leader, and Minority Leader shall meet and submit a Special Order Calendar determining the list of bills for consideration by the Senate. The President shall determine the order in which such bills appear on the published Special Order Calendar.

See Rule 4.16—Consideration out of regular order.

(2) Such Special Order Calendar shall be published in one (1) daily calendar and may be considered on the day published. The amendment deadline for bills on the Special Order Calendar shall be 5:00 p.m. or two (2) hours after the Special Order Calendar is announced, or as provided in the Special Order Calendar, whichever occurs later.

(3) Notice of the date, time, and place for the establishment of the Special Order Calendar shall be published on the Senate website and posted on the Senate side of the fourth (4th) floor Capitol rotunda two (2) hours in advance of the meeting. If possible, such notice shall appear in the daily calendar.

RULE FOURTEEN

SEAL AND INSIGNIA

14.1—Seal and insignia

(1) There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter having in the center thereof the current Florida state flag and the current United States flag above a disc containing the words: “In God We Trust” arched above a gavel, quill, and scroll. At the top of the field of flags shall be the word: “Seal.” At the bottom shall be the date: “1838.” The perimeter of the seal shall contain the words: “Senate” and “State of Florida.”

(2) There shall be an official coat of arms for the Senate. The coat of arms shall contain the current Florida state flag and the current United States flag above the Great Seal of Florida. At the base of the coat of arms shall be the words: “The Florida Senate.”

(3) All versions of the Senate Seal, the Senate Coat of Arms, official Senate stationery, calling cards, and facsimiles thereof may be used only in connection with official Senate business.

Senate Rules Appendix A

[Language in this appendix is from Senate Rule 9.8 of the 2016-2018 Senate Rules. Coded text indicates changes to the original language.]

~~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 document may be consulted by Rule provides assistance to persons seeking to comply with the lobbyist expenditure ban set forth in section 11.045(4)(a), Florida Statutes, 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 ~~cannot~~ ~~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 ~~document~~ ~~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 Expenditures

It is ~~not 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 grandparent, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

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

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

2. Employment-related Compensation and Benefits

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

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

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

3. Political Organizations and Entities

An expenditure does not include contributions or expenditures reported pursuant to chapter 106, *Florida Statutes*, or its federal law counterpart; campaign-related personal services provided without compensation by individuals volunteering their time; any other contribution or expenditure made by a chapter 106 entity such as a candidate campaign, political committee, organization making electioneering communications, political party, ~~or 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 (1g)7. above.

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

ANSWER: It depends. Yes, provided the organization hosting the event is not a principal *and* none of the food and beverages are paid for or provided by a lobbyist or principal. Otherwise, the legislator or legislative employee could attend the event but could not partake of the free food or beverages or they can pay the fair market value of what they consume.

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

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

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

~~The law 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)(f)(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."

On motion by Senator Benacquisto, by unanimous consent—

By Senator Benacquisto—

SCR 2-Orig.—A concurrent resolution establishing the Joint Rules of the Florida Legislature for the 2018-2020 term.

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the following joint rules shall govern the Florida Legislature for the 2018-2020 term:

JOINT RULES

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. If the lobbyist is, or belongs to, a lobbying firm, the lobbyist must state the name, address, and telephone number of the lobbying firm and the e-mail address of the person responsible for the submission of compensation reports. All lobbyists associated with the same firm must register using the identical name, address, and e-mail address of the firm in the LRCRS. Registration is not complete until the LRCRS receives authorization from the principal's representative and the registration fee. Lobbyists may not authorize themselves on behalf of the principal representative. 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) Should a registered lobbyist identify a scrivener's error in their own registration in the LRCRS after submission, they may make a written request to the LRO to correct such error. The request must clearly identify and describe the error. Each request will be reviewed by the Office before any changes will be made.

(6) The LRO shall retain registration information submitted under this rule.

(7) 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 legislative entity for a person to register to represent one principal and up to an additional \$10 per legislative entity 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) Compensation shall be reported using the accrual basis of accounting.

(d) Compensation reports should reflect compensation received for lobbying the legislative branch only.

(e) 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.

(f) 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 compen-

sation 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)(f) 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 un-

authorized 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 re-imposed 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 and Budget Conference Committee Rules

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.

(4)(a) "Appropriations project" means a specific appropriation, proviso, or item on a conference committee spreadsheet agreed to by House and Senate conferees providing funding for:

1. A local government, private entity, or privately-operated program, wherein the specific appropriation, proviso, or item on a conference committee spreadsheet specifically names the local government, private entity, or privately-operated program or the appropriation, proviso, or item is written in such a manner as to describe a particular local government, private entity, or privately-operated program;

2. A specific transportation facility that was not part of the Department of Transportation's 5-year work program submitted pursuant to s. 339.135, Florida Statutes;

3. An education fixed capital outlay project that was not submitted pursuant to s. 1013.60 or s. 1013.64, Florida Statutes, unless funds for the specific project were appropriated by the Legislature in a prior year

and additional funds are needed to complete the project as originally proposed;

4. A specified program, research initiative, institute, center, or similar entity at a specific state college or university, unless recommended by the Board of Governors or the State Board of Education in their Legislative Budget Request; or

5. A local water project.

(b) The term does not include an appropriation that:

1. Is specifically authorized by statute;
2. Is part of a statewide distribution to local governments; or
3. Was recommended by a commission, council, or other similar entity created in statute to make annual funding recommendations, provided that such appropriation does not exceed the amount of funding recommended by the commission, council, or other similar entity.

2.3—Budget Conference Committee Rules

(1) For an appropriations project to be included in a conference committee report:

(a) The appropriations project must be included in a bill or an amendment placed into a budget conference; and

(b) Information required by subsections (2) and (3) relating to the appropriations project must have been in writing and published online prior to the passage by that chamber of the bill or amendment which was placed into a budget conference.

(2) The information collected must include:

- (a) A descriptive title of the appropriations project.
- (b) The date of the submission.
- (c) The name of the submitting member.
- (d) The most recent year in which the appropriations project received state funding, if applicable.
- (e) Whether the most recent funding for the project had been vetoed.
- (f) The amount of the nonrecurring request.
- (g) The amount of funding received in the prior year on a recurring or nonrecurring basis.
- (h) In what agency the project is best placed and whether the agency has been contacted.
- (i) The name of the organization or entity receiving the funds as well as a point of contact for the organization or entity.
- (j) The name of the registered lobbyist of the entity requesting the appropriations project.
- (k) Whether the organization to receive the funds is a for-profit entity, a not-for-profit entity, a local entity, a state university or college, or other type of organization.
- (l) The specific purpose or goal that will be achieved by the funds requested.

(m) The activities and services that will be provided to meet the intended purpose of these funds.

(n) Specific descriptions of how the funds will be expended, including a description and the amounts to be expended on: administrative costs, itemized to include the salary of the executive director or project head, other salaries and benefits, expenses, and consultants, contractors, or studies; operational costs, itemized to include salaries and benefits, expenses, and consultants, contractors, or studies; and fixed capital outlay, itemized to include land purchase, planning, engineering, construction, and renovation.

(o) The owner of the facility to receive, directly or indirectly, any fixed capital outlay funding, and the relationship between the owners of the facility and the entity.

(p) A description of the direct services to be provided to citizens by the appropriations project, if applicable.

(q) A description of the target population to be served and the number of individuals to be served by the appropriations project.

(r) A description of the specific benefit or outcome, including the methodology by which this outcome will be measured.

(s) The amount and percentage of federal, local, and state funds, excluding the funds requested for the appropriations project, or other matching funds available for the appropriations project.

(t) How much additional nonrecurring funding is anticipated to be requested in future years by amount per year.

(u) The suggested penalties that the contracting agency may consider in addition to its standard penalties for failing to meet deliverables or performance measures provided for in the contract.

(3) With respect to an appropriations project that is also a local water project, the information collected must also include:

(a) Whether alternative state funding such as the Waste Water Revolving Loan, Drinking Water Revolving Loan, Small Community Waste Water Drinking grant, or other funding has been requested.

(b) Whether the project is for a financially disadvantaged community, as defined in chapter 62-552, Florida Administrative Code; a financially disadvantaged municipality; a rural area of critical economic concern; or a rural area of opportunity, as defined in s. 288.0656, Florida Statutes.

(c) Whether the construction status is shovel-ready.

(d) The percentage of construction completed and the estimated completion date.

(4) Each chamber must collect the required information described in subsections (2) and (3) in the form and manner prescribed by that chamber.

(5) The portion of an appropriations project which was funded with recurring funds in the most recently enacted general appropriations act is exempt from subsections (1), (2) and (3).

(6) An appropriations project may only be funded with nonrecurring funds, except that the portion of an appropriations project which was funded with recurring funds as provided in subsection (5) may be continued with or without additional nonrecurring funds.

(7) The nonrecurring funding of an appropriations project in the conference committee report may be less than, equal to, or greater than the funding for the appropriations project as originally committed to the conference committee.

(8) An appropriations project that was not included in either chamber's bill in accordance with subsections (1), (2) and (3) may not be included in a conference report.

(9)(a) To be included in a conference committee report, all appropriations projects, except as otherwise provided in paragraph (b), must be clearly identified in the bill or amendment that will be considered by a conference committee and in any conference report.

(b) An appropriations project funded with recurring funds in the most recently enacted general appropriation act that is not appropriated any additional funds is exempt from the provisions of paragraph (a).

(10) The conference committee must allow for public testimony regarding appropriations projects at each noticed meeting.

(11) Nothing in this rule shall limit either chamber's ability to apply a stricter standard to its own bills prior to the commencement of conference proceedings. This Joint Rule applies to all conference committee reports related to the General Appropriations Act and supersedes either chamber's rules that are contrary to or inconsistent with the provisions of this Joint Rule.

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 August 1 of the calendar year following the general election.

2. The Administrative Procedures Committee for the period from noon on August 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 August 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 August 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.

(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.

Joint Rule Eight-Adjourning and Reconvening of Each House of the Legislature and Providing for Adjournment Sine Die

8.1—Adjourning and Reconvening

Pursuant to Section 3(e) of Article III of the Florida Constitution, during any legislative session, each house of the Legislature may, without consent from the other house, determine its respective dates and times for adjourning and reconvening daily sittings.

8.2—Adjournment Sine Die

- (1) During regular sessions, both houses of the Legislature shall adjourn sine die by concurrent resolution or concurrent motions or on the 60th day at 11:59 p.m., unless extended.
- (2) During special sessions, both houses shall adjourn sine die by concurrent resolution or concurrent motions or upon reaching the hour on which the special session is adjourned sine die by operation of the proclamation, unless extended.

—was introduced and read by title.

On motion by Senator Benacquisto, **SCR 2-Org.** was read the second time by title, adopted, and certified to the House.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 2-Org.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

COMMUNICATION

The Honorable Rick Scott
Governor
State of Florida
PL-05, The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001

April 12, 2018

Dear Governor Scott:

I hereby irrevocably resign from the Florida Senate, effective November 6, 2018. I am a current candidate for the United States House of Representatives, District 17, and will be unable to complete my term as Florida Senator due to Florida election law, as the terms of the two offices would overlap.

I appreciate the opportunity to have served the people of the State of Florida.

Sincerely,

W. Greg Steube
Florida Senate
District 23

COMMUNICATION

The Honorable Rick Scott, Governor
State of Florida
PL-05, The Capitol
Tallahassee, FL 32399

May 2, 2018

Dear Governor Scott:

I have decided to conclude my service in the Florida Senate on November 6, 2018, the same day that my term as Senate President ends.

Like you, I have always been a strong supporter of term limits. The additional two years of my final term were added only through the vagaries of reapportionment litigation.

My goal is to afford as much notice as possible to allow the next State Senator from District 25 to be elected in the regular 2018 primary and general election cycle without the necessity of a special election. I would respectfully request that you consider scheduling the dates of the special primary election and special general election to coincide with the dates of the primary election and general election, pursuant to section 100.111(2), Florida Statutes. With key election-related deadlines and activities scheduled in the ensuing weeks and months, I believe this proposed course of action would be in the best interests of the constituents of Senate District 25.

Therefore, I am tendering my resignation from the Florida Senate, effective November 6, 2018, the same day my term as Senate President ends. Thank you for your partnership in advancing our many shared priorities and for your service to the people of Florida. It has been an

honor to represent the citizens of the Treasure Coast and parts of Palm Beach County in the Florida Senate.

Sincerely yours,

Joe Negron, President
District 25

I appreciate the opportunity to have served the people of the State of Florida.

Sincerely,

Denise Grimsley
State Senator, District 26

COMMUNICATION

The Honorable Rick Scott
State of Florida
PL-05, The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

May 21, 2018

Dear Governor Scott:

I hereby irrevocably resign from the Florida Senate, effective November 6, 2018. I am a current candidate for another office, and will be unable to complete my term as Florida Senator due to Florida's resignation-to-run law, Section 99.012, Florida Statutes, as the terms of the two offices would overlap.

COMMITTEE RECEIVED

The Senate having adjourned sine die, a committee from the House of Representatives composed of Representatives Latvala, DuBose, Fischer, and Geller was received in the Office of the President to inform the Senate that the House of Representatives was convened for the purpose of organization. The committee then withdrew from the Office of the President.

ADJOURNMENT

On motion by Senator Bradley, the Senate in Organization Session adjourned sine die at 11:41 a.m.