



# Journal of the Senate

ORGANIZATION SESSION

Tuesday, November 20, 2012

**Journal of the Senate for the Organization Session of the 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, 2012, 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, Mike Haridopolos, at 9:00 a.m. A quorum present.

## PRAYER

Rev. Sterling Forrester, Chaplain and retired Colonel in the U.S. Army, led the Senate in remembrance of the late former Florida Senate President, Philip D. Lewis. Rev. Forrester is Senator Galvano's father-in-law.

On September 4, 2012, former Florida Senate President, Philip D. Lewis, died at his home in West Palm Beach at the age of eighty-two.

At this time, we join in honoring his memory in this place where he served so long and so well. He served in the Senate for ten years and became Senate President in 1978, the year the new Capitol officially opened.

He was a leader, a uniter, and a peacemaker. U.S. Senator Bill Nelson said, "We have lost one of the legends of the golden age of Florida politics. He was a dedicated and tremendous public servant who was admired and respected on both sides of the aisle."

The following prayer was offered by Rev. Forrester:

Almighty God and Father of us all, today opens a new chapter in the history of the State of Florida, and we seek divine guidance as we begin.

We pray for insight and wisdom in all matters that must be addressed, and we pray that the interest and welfare of all our citizens would be served in each proceeding of this body.

Should there be honest differences in challenging issues, may there yet be unanimity of dedication to the highest ideals of the democratic process.

May the State of Florida's rich heritage of the past give inspiration in the present and vision for the future.

Acknowledging that our state has been spared, we pray today for our fellow Americans still facing the devastation of a natural disaster.

In a world marked by conflict, we pray for peace. Especially, we lift up to you men and women in uniform from our state and throughout our nation who seek to preserve the cause of freedom, some of whom may be in harm's way this moment.

We ask your constant blessing in the lives of all who serve our state and in the lives of their families and loved ones.

Now, in both petition and affirmation, we pray God bless the Great State of Florida and God bless America.

In your holy name we pray, Amen.

## COLOR GUARD

At the direction of President Haridopolos, the Sergeant at Arms opened the doors of the chamber and a Color Guard of the Navy Junior Reserve Officers Training Corps from Orange Park High School marched in bearing flags of the United States of America and the State of Florida.

The Color Guard included the following members: Cadet Seaman Apprentice, Dustin Williams; Cadet Petty Officer 2nd Class, Fuhteh Tsai; Cadet Petty Officer 2nd Class, Armando Tolentino; Cadet Lt. Commander, Eric Shafer; Cadet Lt. Commander, William Griffin; and Cadet Ensign, Haley Lamb.

## PLEDGE

The following children and grandchildren of the newly elected Senators led the Senate in the pledge of allegiance to the flag of the United States of America: Bradley, Gray and Walker Bean; Connor, Stephanie and Caroline Bradley; Imani Thomas; Kiara and Symone Thompson; Robert, Hannah and Laura Stargel; Dylan and Alexa Chase; Jack and Evangeline Legg; Wilton Simpson, Jr.; Tyson Keen; Charlotte and Colin Brandes; Reagan, Brandon and Faith Lee; Riley Smith; and Michael, William and Jacqueline Galvano.

## SPECIAL PERFORMANCE

President Haridopolos introduced Rebecca Chase, daughter of Senator Legg, who sang the "The Star Spangled Banner." Rebecca is an 8th grade teacher from Holiday, Florida, and attended Dayspring Academy for Education and the Arts, founded by her father.

**OATH OF OFFICE ADMINISTERED**

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

**CERTIFICATE RECEIVED**

The Secretary announced that The Honorable Ken Detzner, Secretary of State, had certified to the election of 40 Senators as follows:

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS**

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 sixth day of November, A.D., 2012, to the office of Member, State Senate, as shown by the records of this office:

SENATE DISTRICT	ELECTED SENATOR
1	Don Gaetz
2	Greg Evers
3	Bill Montford
4	Aaron Bean
5	Charles S. Dean
6	John Thrasher
7	Rob Bradley
8	Dorothy L. Hukill
9	Audrey Gibson
10	David Simmons
11	Alan Hays
12	Geraldine F. Thompson
13	Andy Gardiner
14	Darren Soto
15	Kelli Stargel
16	Thad Altman
17	John Legg
18	Wilton Simpson
19	Arthenia L. Joyner
20	Jack Latvala
21	Denise Grimsley
22	Jeff Brandes
23	Garrett Richter
24	Tom Lee
25	Joseph Abruzzo
26	Bill Galvano
27	Jeff Clemens
28	Nancy C. Detert
29	Jeremy Ring
30	Lizbeth Benacquisto
31	Christopher "Chris" Smith
32	Joe Negron
33	Eleanor Sobel
34	Maria Sachs
35	Gwen Margolis
36	Oscar Braynon II
37	Anitere Flores
38	Rene Garcia
39	Dwight Bullard
40	Miguel Diaz de la Portilla



GIVEN under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capitol, this the 20th day of November, A.D., 2012

*Ken Detzner*  
SECRETARY OF STATE

**ROLL CALL**

The roll of the Senate, as constituted by the 40 newly elected members, was called by the Secretary in alphabetical order and the following members of the Senate were recorded as present:

Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Hukill	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	Thrasher
Evers	Margolis	
Flores	Montford	

**ELECTION OF SECRETARY**

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

**Senator Smith:** Mr. President, we had a great event in the Old Capitol yesterday. After the event, a lot of people came up to me and said, "Oh what a wonderful event. You did a great job." This day has been great also. I'm sure that people are going to say the same thing to Senator Gaetz. But we didn't do the work. Who did the work? The hundreds of people who come to work in the Capitol every day. They drive hours across God's country to get here. They put in the time and effort. When we come up with an idea, they write the bills and get them in the right posture. If we're lucky, before we get too far out there on an issue, they whisper in our ear that it's not a bright idea. We are so blessed in this state to have such great staff—people who are dedicated not just to a job but to a cause. Their cause is to make this state better.

Debbie Brown is one such person. She is a dedicated person who drives hours to get here every day. She is active in her community. She is active in her church, Grace United Methodist Church. She is a mother of two and a grandmother of four. She is a person who loves the Senate, and she has dedicated so much time to the Senate.

A great testimony about Debbie happened last year when we were doing reapportionment. The Supreme Court said we had to come up with a way to create the districts for four-year and two-year terms. Somebody came up with the bright idea that if you want to make it random, let's do a lottery. That was an idea from a member. It was on Debbie's shoulders to make it happen. It was up to her staff to take our crazy idea and make it into a very dignified and responsible way of conducting business. Her staff came up with a great method. Even with a little bump in the road, they remained professional and did their job. That's a testament to the type of staff that she has around her and the type of leadership that she has given to the Senate.

Mr. President, I am so proud not only to nominate Debbie, but to know Debbie Brown and be associated with her. She embodies the Senate. She embodies a person who does her job every day with passion and compassion because she believes in our great state. She works every day to make this state better. I believe she will work every day to make the Senate the best place it can be. Thank you.

By unanimous consent of the membership, Debbie Brown was elected Secretary of the Senate for the 2012-2014 term.

**OATH OF OFFICE ADMINISTERED**

Secretary Debbie Brown, accompanied by her son Michael Richter, her daughter-in-law, Heather, and their two children, Maddie Grace and Brayden, was administered the oath of office by The Honorable Ricky Polston, Chief Justice, Florida Supreme Court.

**RECOGNITION OF SERGEANT AT ARMS**

President Haridopolos recognized Senator Latvala who thanked Donald Severance, Senate Sergeant at Arms, for his dedication and service to the Florida Senate.

## RECOGNITION

Senator Negron recognized the spouses of the reelected and newly elected Senators.

## SPECIAL GUESTS

President Haridopolos introduced the following guests: Governor Rick Scott, Lieutenant Governor Jennifer Carroll, Attorney General Pam Bondi, former Senate President and Chief Financial Officer Jeff Atwater, Commissioner of Agriculture Adam Putnam, and Chief Justice of the Florida Supreme Court Ricky Polston.

President Haridopolos announced that in addition to former Senate Presidents Gwen Margolis and Tom Lee, who serve in the Senate, the Senate was honored by the presence of the following former Senate Presidents: John McKay and his wife, Michelle; Ken Pruitt and his wife, Aileen; and Jim Scott.

President Haridopolos also recognized former Senators Curt Kiser, Steve Geller, Ron Silver, Larcenia Bullard, Carey Baker, and Van Poole.

## ORGANIZATION

The Senate proceeded to the organization of the body.

## NOMINATIONS FOR PRESIDENT

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

President Haridopolos recognized Senator Detert who placed in nomination the name of Senator Gaetz of the 1st Senatorial District.

**Senator Detert:** Mr. President, ladies and gentlemen, Governor Scott, distinguished guests, past presidents, friends and family members.

The citizens of our wonderful state have elected those in this room to represent them and have entrusted us with the responsibility to choose a leader from our body who has the brains, heart, and vision to protect our fragile state, leaving it better than we found it. In the last few years, Florida has had economic, environmental, and employment challenges. At one time, one million Floridians were unemployed and the BP oil spill threatened not only the economy of the Panhandle but the beauty of the entire Florida coastline. We had budget shortfalls in the billions, and, to top it all off, we had to reappportion the voting districts for the state. To deal with all of these tough issues, we invariably turned to the man from Niceville—Don Gaetz.

Don chaired the redistricting committee and held hearings around the state for public input. Asking for public input is always risky, but Senator Gaetz, accompanied by Vicky, cheerfully drove all over the state. Some citizens confused the idea of “public input” with “political persecution,” but Don would suffer brick bats, slings and arrows, and all kinds of abuse, and then, with a smile, say, “Thank you for your input” and call the next name. One woman in my district even attacked Don for being too cheerful. Don never backs down from a challenge—he just forges ahead.

Those of us who have worked with him know Don has the brains for the job. We have seen him handle every tough issue. Those of you who have not worked with Senator Gaetz or who are not familiar with pithy, aureate, and palaver, or who don’t know the meaning of the word bloviate had better invest in a thesaurus and keep it in your desk drawer. Don was the captain of his debate team and can verbally leave us behind pretty quickly.

Don’s personal experiences have given him the heart for this job. His Senate experience has proven that he not only has a vision, but knows how to implement a vision. As legislators, we know that the laws that we propose and the bills that we vote on are often colored by our life’s experiences. Don Gaetz’s experiences in health care, education, business, and government give him the perfect background to deal with the problems facing Florida today.

I first met Don when I was serving as a House member. Don’s reputation truly did precede him. While serving as the Chair of Commerce, I heard about a superintendent of schools in the Panhandle who had a remarkable program for students who were not college-bound. As a former school board member myself, I know that parents always feel that you are “writing their kids off” if you suggest that they are not college material. Superintendent Gaetz was able to connect the dots between what we teach and what jobs were available in his community. He was able to light the tunnel and show students and parents what their future would look like if they applied themselves in high school. He created programs that made our high school graduates work-ready and able to qualify for good paying jobs even if they didn’t go to college.

Don Gaetz was the first non-educator ever elected as Superintendent of schools in Okaloosa County, and he brought that school system from a “C” average to an “A” school system in a very short period of time. Don’s appearance before my committee always stuck with me. Once met, Don is hard to forget.

Don and I share a love of the language skills of Sir Winston Churchill. One of Churchill’s least known quotes is, “When you are going through hell, keep going.” I use this unusual quote to say that while Don has been enormously successful in his business career, he and his wife, Vicky, were not exempt from personal challenges. I am certain that there were times when they were going through hell, but they just kept on going. It is true “that which doesn’t kill you makes you stronger,” but it also teaches you humility and empathy for others.

Don’s life experiences make him a leader who will protect our fragile environment, educate our children, and create a business climate in Florida which assures financial stability for now and for the future. With Don’s educational background, I am sure that he will agree that Florida is like a gifted child who has not yet reached his or her full potential. And, I am sure that with Don’s innate vision and optimism, he will agree that when Lady Gaga sings about being “On The Edge of Glory,” she probably means Florida.

So these are the qualities that have given the man from Niceville the brains, the heart, and the vision to be our next Senate President. It is my personal privilege and honor to nominate Senator Don Gaetz.

President Haridopolos recognized Senator Montford who seconded the nomination of Senator Gaetz.

**Senator Montford:** Thank you, Mr. President, I rise to second the nomination of Senator Don Gaetz for President of the Florida Senate. Don Gaetz is a dear friend. I have known him for many years and I have grown to respect him more with each year.

My nomination might seem surprising to my fellow Senators because I stand with the minority party, but right now the stakes are too high to sit in silence. There are fishermen and oyster men not an hour away who cannot feed their children tonight, workers who haven’t seen a pay check for far too long, and children from the hills and coast of North Florida to the blue waters of the Keys whose only meals will come from their schools. As this Session approaches, we need a strong leader who is not afraid of the tough policy issues we will face. This leader is Senator Don Gaetz.

Senator Gaetz will lead with a keen sense of justice, an astute understanding of the challenges at hand, and the conviction that policies benefiting the State of Florida should always come before politics. The great State of Florida is facing issues never previously thought possible, and if we are to have any hope of solving these challenges for the people of Florida, we must be willing to reach across the aisle and district lines and even state boundaries in the case of the Apalachicola River.

Let us not forget the privilege we have with 15 new members representing the voices of almost 500,000 Floridians each, and the wealth of new information and commitment they bring. We will need a leader who knows it’s gravely important to listen to these new members. Senator Gaetz will be the President of every single member of this chamber. I nominate him because he will be the unifying force that we so desperately need and, honestly, we can’t afford not to.

Senator Don Gaetz is a proven success. His interests are diverse, but there is one thing that ties them all together: he has been successful with all of them. He has seen tremendous success as founder of a successful

health care company. One thing we all know about Senator Don Gaetz is he understands money. We have all experienced his skills as a renowned debater. His presence in the chamber has been both forceful and convincing. He is not only articulate in the Senate, but also with many groups across many walks of life. I have seen him in one-on-one conversations, and his compassion and understanding is obvious, even with my own nine-year-old grandson, Jake, who by the way, still remembers his conversation with his “granddad’s friend, Mr. Gaetz.” Jake still proudly displays the portfolio that the “Boss of the Senate” gave him.

Senator Gaetz’s abilities carried over into a successful career in education. He was an outstanding school board member and superintendent. He reached across school district lines and helped establish programs that were of great benefit to all students. The children who he had the honor of serving will feel the effects of his good judgment and strong sense of right and wrong for years to come. The business realm, the education world, and every person who has had the pleasure of working with him can attest to the proven leadership abilities he possesses. His effectiveness as a leader is obvious in every walk of life he has taken.

What Florida is in need of now is an effective leader who is sensible and sensitive and one who not only understands the issues but also the solutions. He is one who not only hears the majority but also the minority; one who cares about the citizens and who can also feel the pain of those in need. Senator Don Gaetz has the diversified style of leadership and compassion that will serve this chamber well. We all know that these are tough times and, with Senator Don Gaetz as President, we will all know we can successfully address them.

Senator Gaetz is not solely a man of business but also a family man. He has a beautiful family who supports him as any great man needs. His wife Vicky, his son, Representative Matt Gaetz, and his daughter, Erin, have always been there for him. They are a team.

My roots run deep in Florida history. My grandchildren are seventh generation North Floridians; this is something of which I am very proud. I, like you, love Florida and recognize Don Gaetz’s dedication to this state. I know that his dedication to the people here is profound. We will not always agree; we will have significant differences of opinion. But sitting at a table with Senator Gaetz, I know we will be heard. As President, Senator Gaetz will provide the leadership for us to be an effective and sensitive body. For these reasons it is with great honor that I second the nomination of Senator Don Gaetz for President of the Florida Senate.

## MOTION

On motion by Senator Dean, 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 “Don Gaetz.”

The vote was:

Yeas—39

Abruzzo	Flores	Montford
Altman	Galvano	Negron
Bean	Garcia	Richter
Benaquisto	Gardiner	Ring
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

## OATH OF OFFICE ADMINISTERED

On motion by Senator Joyner that a committee be appointed to escort Senator Gaetz and his family to the front of the chamber, President Haridopolos appointed Senators Bean, Hukill, Thompson, Galvano, and Clemens. Senator Gaetz was escorted to the front of the chamber with his wife, Vicky, daughter Erin, who held the family Bible, and son Representative Matt Gaetz, who administered the oath of office. The committee then escorted President Gaetz to the rostrum.

**Senator Haridopolos:** Before I officially hand over the gavel to my friend, Don Gaetz, I want to mention a couple of things. First and foremost, to all Floridians, especially to all those here today who I have been honored to serve with for many years, on behalf of my wife, Stephanie, and my children, Reagan, Alexis, and Hayden, and my parents, I want to say thank you very much for the opportunity and honor of a lifetime. It has been a true pleasure to work with our Cabinet and Governor. I’m thankful for that opportunity.

I must say as a Floridian, I am truly excited about this new Senate. You have the energy and the ability to bring a new level of success. You have elected a truly remarkable man—a man who is truly a leader. I think that the number “1” next to his name is very appropriate. He’s a fighter. He’s a man of accomplishment. He is our leader and it is my pleasure to hand the gavel to the President of the Florida Senate, a man who I think will take this Senate and our state to greater heights. Congratulations, Mr. President.

President Haridopolos presented the gavel to President Gaetz, the 85th President of the Florida Senate since statehood.

## PRESIDENT GAETZ PRESIDING

President Gaetz presented outgoing President Haridopolos with the gavel from the 2010-2012 term.

## 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 Gardiner who placed in nomination the name of Senator Garrett Richter of the 23rd Senatorial District.

**Senator Gardiner:** Good morning. It is truly an honor to nominate Senator Garrett Richter for the position of Senate President Pro Tempore. The position of Pro Tempore has had a colorful history here in Florida, including in 1868 when the State Constitution identified the Pro Tempore as the third in line to the Governorship. The Pro Tempore has taken many roles, but the most important is that the Senator named to this post presides over the Senate in the President’s absence and exercises the powers of the President. These powers and responsibilities are what make this decision so important. The Pro Tempore needs to be a Senator who we trust, is a proven leader, and has a servant’s heart. Senator Richter is the perfect choice.

Senator Richter is joined today by his wife of 38 years, Diana; they have three children and three grandchildren. Daughter Melissa is married to Alex Bartolini. They have one son, Santiago. Elizabeth is married to Brian Psota, and they have two children, Ian and Leah. Robert Richter lives in the Republic of Panama and is an international businessman. Family is very important to Senator Richter. He has often advised young leaders that juggling responsibilities is like juggling balls. All are rubber except one; that one is glass. That is your family. Don’t ever drop the glass ball.

Senator Richter began his chosen profession, banking, in 1969 at Mellon Bank in Pittsburgh. His first job was as a janitor at that bank. Senator Richter would wear a suit to work every day, change into janitor clothes, work his shift, and then put his suit back on for the ride on the bus back home. Eventually, he was offered a job in the Trust Department at the bank by a man he rode the bus with every day. Before he could start that job, he was given another job he could not refuse. He was drafted into the Army and served in Vietnam.

He served as a “tunnel rat.” This was more or less an official specialty for volunteer infantrymen, primarily from the United States, Australia,

and New Zealand. The Viet Cong created an extensive network of elaborate underground tunnels. When troops would come across these tunnels, tunnel rats were sent in to investigate, eliminate the enemy, and eventually blow up the tunnels. For his service, Senator Richter received the Combat Infantry Badge and a Bronze Star.

After Vietnam, you could say the rest is history. He returned on Friday and started work on Monday at Mellon Bank in the profession he continues to this day. In 1987, he was transferred to Naples. Two years later, he left Mellon to join Gary Tice and started First National Bank of Naples. They began with 14 employees and it grew to become the largest community bank headquartered in Florida with over 1,400 employees. He currently serves as President of First National Bank of the Gulf Coast.

Senator Richter often quotes his dad. One of his favorite quotes is “learn, earn, and return.” Senator Richter certainly has done that. As a community leader, he helped shape Southwest Florida. He was elected to the Florida House in 2006, serving one term before being elected to the Senate in 2008. He spent the last four years as Chairman of the Banking and Insurance Committee, where he focused on reshaping Citizens Insurance.

Senator Richter has never had a serious political race. He did have a libertarian once who, at a public forum with Senator Richter in attendance, announced that he was voting for Garrett. This is a testament to the belief that your community pushes you forward in the role of service.

I called Senator Bennett and told him I was nominating Garrett, and his first reaction was, “What a great, great guy.” It was summed up when Senator Bennett gave his going away speech, and with tears in his eyes, he spoke about that friendship. It is the friendship that each of us has with Senator Richter which is so important to this chamber. There are a couple of stories that I think would be appropriate for the record. They tell about an individual who is tenacious and persistent. We have all seen Senator Richter on this floor fighting for insurance issues, banking issues, all for what is best for the State of Florida. Some he won and some he lost. One particular story that Representative Nelson and Senator Bennett discussed is that Senator Richter is persistent. In one particular golf tournament, Senator Richter was so convinced that he could make a par 3 over water that he hit eight golf balls in a row into the water before he made it onto the green. As Senator Bennett said, in typical Richter fashion, they weren’t his golf balls, they were Senator Bennett’s golf balls.

He’s been a loyal friend. When Senator Richter was in the House and was elected to the Senate, he bought a chauffeur’s hat for Representative Nelson to drive him around at night. He and Senator Bennett were downtown and needed a ride home. They would call Representative Nelson, who would put on his hat, come pick them up, and drive them home. So we’ve ordered 120 of those chauffeur hats for the House members. Just kidding.

Senator Richter is tenacious. We have all seen firsthand his work on insurance and other financial issues on this floor, debating with passion what he believes to be best for his constituents and the State of Florida. Senator Richter is persistent. Senator Richter is a loyal friend. He once said you earn your reputation by the decisions you make and the friends you keep. The friendship that Senator Richter has shown to each of us is without question. Senator Bennett, here on this floor, described that so well with tears in his eyes.

Senators, I cannot think of a better partner for President Gaetz than Senator Richter. He is a proven leader. He is a man of integrity. There is a verse in the poem “If,” by Rudyard Kipling, that Senator Richter is known to cite:

If you can talk with crowds and keep your virtue,

Or walk with Kings—nor lose the common touch,

If neither foes nor loving friends can hurt you,

If all men count with you, but none too much:

If you can fill the unforgiving minute

With sixty seconds’ worth of distance run,

Yours is the Earth and everything that’s in it,

And—which is more—you’ll be a Man, my son!

Senator Richter, you are that man. Your diligence, loyalty, and integrity will serve us all well throughout the next two years. I am honored to call you my friend, and I am proud to nominate you for President Pro Tempore.

The President recognized Senator Ring who seconded the nomination of Senator Richter.

**Senator Ring:** Thank you Mr. President. I rise today to second the nomination of my good friend, Senator Garrett Richter, as Senate Pro Tempore.

I’ve had the good fortune of getting to know Garrett and his wife, Diana, over the past four years. I’ve learned a lot and there is a lot to truly admire. Some relationships develop over time and others develop through one moment where an instant bond is apparent. For Garrett and myself, the latter was true.

A few sessions ago, Garrett was sponsoring a controversial bill that revised the workers’ compensation statutes. On the Senate floor, I proposed a strike-all amendment to his bill. Essentially, that day, the Senate was debating two separate workers’ compensation bills, one mine and one his. Both of us knew that we were in for a fight on the floor and we needed to secure our votes prior to the debate. After hours of debate, which is the norm for a Garrett Richter bill, his version defeated mine by a 21-19 vote. Prior to that day, we were colleagues with mutual respect. By the end of the day, we were still colleagues with mutual respect, but we developed a true friendship that will last long past our time as members of this esteemed body.

After session that day, I went to visit Garrett in his office to offer congratulations on his victory in a hard fought legislative debate. Not surprisingly, he welcomed me to his office and, also not surprisingly, he had a bottle of scotch waiting to be opened. We opened it for sure. We sat together for several hours, not replaying the events of the day, but using that precious time to really get to know each other. That night, I learned a lot about Garrett. We spoke about love for family, which is front and center of everything Garrett represents. In addition, I was fascinated with his experience as a successful banker. I listened to stories of how he founded a community bank, sold it, and was waiting to start another.

Subsequently, Garrett and I began to spend more time together and to understand each other more. Each new part of his life, I learned, began to create a larger narrative. Garrett’s life wasn’t about one specific event, but rather a collection of events with a singular theme. His entire life was centered on service—service to his family, service to his faith, service to his community, service to his state, and service to his country.

Any discussion of Garrett’s service begins and ends with his family. As the very proud “Mr. Diana Richter,” he and Diana have enjoyed a nearly 40-year marriage, raising three civic-minded and successful children. As we all know, there is not a prouder grandfather than Garrett.

Garrett has served his faith. As an observant Presbyterian, Garrett has been very active in his church. When the church was going through hard times financially, it was Garrett the congregants turned to for expertise to solve the crisis. Because of him and other committed individuals, the church is thriving today.

Garrett has served his community. He has served on numerous civic boards and founded community banks. He has employed dozens of individuals and always had their interests first. After selling one bank, he waited until his non-compete ended and launched another. As a successful banker with a track record of success, he would have been successful in any capacity in the financial service sector, but his passion was and remains community banking.

Garrett has served his state—first, as a member of the Florida House of Representatives, then as a member of this esteemed body. He is the least political of politicians. He is a quiet policy wonk who, each year, takes on the most challenging issues in this chamber. We all know when a Richter bill is on the agenda, the debate will be long and the issue will be complex. We all get asked, “What are your most important issues that you care about?” With Garrett, the most important issue to him is

whatever the greatest issue of the day is that effects the most Floridians. The more complex the issue, the more Garrett thrives.

Garrett has served his country. As has deservedly been documented, Garrett was a decorated Vietnam Veteran. He will tell you that service of his country gave him his purpose, and we are all the beneficiaries of that service.

By all measures, Garrett has led a life that is fulfilled. It is filled with service. It is filled with humble service. I know it's that humbleness that makes this role somewhat bittersweet. Why? Because as Pro Tempore, Garrett now moves to the front of our chamber. Although he deserves to be up front, he is one of the few politicians who doesn't search for accolades, doesn't want the ceremony, and is happy doing the people's work without recognition. In a roomful of individuals who savor attention, Garrett savors only service—serving his family, his faith, his community, his state, and his country without the need of anyone watching. While sitting in the back of the chamber may have suited him best, sitting in the front of the chamber suits the citizens of Florida best.

Mr. President, it is with great honor that I second the nomination of my friend, Senator Garrett Richter, as Senate Pro Tempore.

## MOTION

On motion by Senator Flores, 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 "Garrett Richter."

The vote was:

Yeas—39

Mr. President	Evers	Margolis
Abruzzo	Flores	Montford
Altman	Galvano	Negron
Bean	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Hukill	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	Thrasher

Nays—None

## OATH OF OFFICE ADMINISTERED

On motion by Senator Benacquisto that a committee be appointed to escort Senator Richter and his family to the front of the chamber, the President appointed Senators Bradley, Stargel, Brandes, Abruzzo and Bullard. Senator Richter was escorted to the front of the chamber with his wife, Diana, his daughters Melissa and Elizabeth, who held the family Bible, his son Robert Richter, who administered the oath of office, and grandson Santiago. The committee then escorted Senator Richter to the rostrum where he was received by the President and seated.

## ADDRESS BY PRESIDENT PRO TEMPORE

**Senator Garrett Richter:** Thank you, Senator Gardiner, and thank you, Senator Ring. Leader Gardiner, you've been a great friend and colleague. You are a family man first. I've enjoyed our years serving together and look forward to the next four. Senator Ring, Senator Wise, and myself made up the "short caucus." Senator Ring, you are also a valued friend with keen business instincts. It certainly is an honor to be nominated for President Pro Tempore by the two of you. Each of you has earned my respect, you've earned the respect of your colleagues, and

you've earned the respect of your communities. Thank you for the nominations.

Senators, it is with respect for all of you that I proudly accept this nomination. Over the course of my lifetime, I've had the opportunity and challenge to deliver various speeches to many different groups of people, as each of you has. I am confident that each of you knows the feeling that runs through your mind when preparing your remarks. What can I say that has meaning, what can I say that will have a positive impact, what can I say that will be remembered, and how can I say it without taking too much time? Well, I'm hoping for three out of four.

We all know what an honor it is to be elected to the Florida Senate. To be privileged to serve our community and our state is awesome—the Florida Senate is awesome! As a Florida Senator, I have been very blessed to have a tremendously talented and loyal staff. Becky Kokkinos is my Chief Legislative Aide, and she is extraordinary. She anticipates the needs of our constituents, she anticipates my needs in this legislative process, and she responds timely and right on point. Sandy Mummert is also my Legislative Aide, and she holds the fort down in Naples when we are in Tallahassee. I know that each of you in this chamber has dedicated legislative aides that stand in front of you on constituent issues. I have never met a person more dedicated to our constituents and more tender when she deals with their troubles. Michael Nachef is my third legislative aide. When asked about the last two years and what has given me the most satisfaction, I respond, "watching Michael grow." Michael joined my staff right out of FGCU and has quickly become invaluable. He plunges himself into the policy issues. He is dependable, knowledgeable, and valuable to my office and our community. And, I might add, Michael got married the day before yesterday. Congratulations Michael and Felicia. The dedicated effort of these three wonderful people is the single greatest reason I was re-elected without opposition this year. Becky, Sandy, and Michael, you all have earned my admiration and I'm so proud to call you all my teammates.

Had it not been for the Florida Senate, I would not have made one of the most endearing friendships of a lifetime. I'm referring to my friendship with Senator Mike Bennett. Senator Bennett told me this was the most addictive job he's ever had. Well Senators, I can tell you that having a friend like Senator Bennett is also addictive, and it's a good addiction. Senator Bennett quickly became my mentor, my friend, and my drinking partner. He will continue to be all three of these, but in different doses now. When asked what this Pro Tempore title means, I affectionately say, "I think it means more focus, less Heineken, and less Bennett." Well maybe! To Senator Bennett, thank you for your loyal friendship. We'll take this friendship with us everywhere we go, forever!

To be asked to be President Pro Tempore is a great honor. To be asked by President Gaetz elevates the honor tremendously. President Don Gaetz is a fierce advocate for the entire State of Florida. He's a leader who understands the importance of the economy and job creation, a leader who is business savvy, academically savvy, and equally important, if not more, common sense savvy! He is a leader who knows how important job creation is to a healthy economy. He's also a leader who understands that education is an economic imperative. A man who knows the value and importance of a reputation, your personal reputation, and the reputation of the Florida Senate. President Gaetz, thank you for your confidence in me, thank you for your friendship, thank you for your leadership, and thank you for your faithful commitment to the great state of Florida! I'm anxious to begin our journey through the next two years. Thanks again for your confidence in me.

Last week, the newly elected Senators were in Tallahassee participating in a two-day orientation. I had the privilege of addressing these fine, new Senators. In my remarks, I spoke about my returning home from Vietnam in 1971. I was having one of those meaningful conversations about life with my father. I was 21 years old and had just returned home after serving with the 75th Ranger Company in the Vietnam jungle. My Dad was telling me that Vietnam was now in the rear view mirror and that my future was in the windshield. He explained that the windshield is about 100 times larger and more important than the rear view mirror. He suggested that I glance back into the rear view mirror from time to time to see where I've been and to see who's behind me, but my future is in the windshield. He told me that if I spend too much time staring into the rear view mirror, I'll crash and burn. I offer that good advice to all of you this morning.

Many of you have faced tough elections. You've knocked on doors, you've debated your opponent, you've contrasted your opponent to yourself, and you've taken your campaign message to your constituents at every opportunity. I suggest to you today that your campaign is now in your rear view mirror. Your future is in the windshield and it is, in fact, more than 100 times greater! As we travel together into the future, we must always be aware of how important our reputation is. Together we know that there is only one way to get a reputation, and that is to earn it! If we have a good reputation, it's because we've earned it. Likewise, if we have a bad reputation, it's also because we've earned it. We earn our reputation by the choices we make. We earn our reputation by the actions we take. We earn our reputation by the way we treat other people. We earn our reputation by the company that we keep. Our reputation is just like our shadow, sometimes it's behind us and other times it's in front of us. Often, our shadow is much bigger than we actually are. Other times it's smaller. When our shadow is behind us, it follows us everywhere we go. You can't escape your reputation. And, when your shadow is in front of you, your reputation is in front of you, and that means wherever you're going, your reputation will get there first!

I remember when my son was a teenager and asked for the keys to my car one night. I tossed him the keys and told him to be careful. He said, "Dad, I'll drive safely, don't worry." I told him, "Son, I'm giving you two things to take with you tonight, my car and my name. I'm not worried about the car; my name is much more important than the car. Be very careful with my name. If the car is damaged, we can easily fix it. Don't damage your name, that doesn't fix as easily." I am proud of the reputation of the Florida Senate. Together, let's always protect her reputation. Let's proudly walk with our shadow.

I also recall my dad telling me that a good recipe for life is to Learn, Earn, and Return! Each of you instinctively understands this good recipe. Learn, Earn, and Return said differently—Learn, Earn, and Serve! That's what all of you have done and are doing. Together, we will serve Florida with great intentions and mutual respect.

In David Walker's book, *Comeback America*, he writes that one of the reasons that the Roman Empire collapsed was the lack of political civility! We certainly have seen a lack of civility in Washington. That is not the case in the Florida Senate. This Senate Chamber is a chamber of ideas; it is a chamber of respect; it is a chamber of disagreements, but not disagreeably! It is a chamber that acts responsibly for the betterment of our state. Walker also states that another reason for the collapse of the Roman Empire was a central government that was fiscally irresponsible and out of control.

Each of you can be proud of the fact that in Florida, our government is fiscally responsible and very much under control. In a bi-partisan manner, the Florida Legislature has continually sent the Governor a balanced budget that he has been able to proudly accept and approve. Together, with Governor Scott and our colleagues in the House, we can continue down this path of economic recovery in a responsible manner; a recovery that is ignited by a constant emphasis and commitment to job growth and education.

As many of you know, I didn't receive my high school diploma at the same time as my classmates in June, 1968. Having failed chemistry in my senior year, I had to go to summer school to retake chemistry. Because I didn't graduate in June, I couldn't get into a college in September. My father instructed me to get a job. That's how I got into banking. I accepted full-time employment at Mellon Bank in Pittsburgh as a janitor and an archives clerk. Within a year, I was offered another full-time position with the United States government. This was an offer I just couldn't refuse. I joined the Army in 1969. After being discharged from the Army in 1971, I returned to Mellon Bank where I resumed my banking career. Sixteen years later, I was transferred to Naples, Florida, to start a corporation for Mellon Bank. At no time did I ever consider seeking public office. I knew for sure that I didn't want to leave Florida (I was transferred here in February).

In 1987, I left Mellon and hooked up with my current business partner and very best friend, Gary Tice. Together we started a small community bank in Naples. Gary taught me that the answer is always "no" if you don't ask. Gary reinforced the value and significance of a handshake and the importance of a reputation. Gary was the vision behind our success as we grew the bank from 14 employees in 1989 to 1,400 employees in 2004. In 2005, our bank was acquired and Gary and I entered into a four-year no-compete agreement. I still had not considered seeking public

office, but I did recall the advice from my father and his recipe for life, Learn, Earn, and Return. With this recipe for life in mind, I ran for public office. I was elected to the House in 2006 and the Senate in 2008. I remember my becoming a State Senator like it was just yesterday.

Diana and I celebrated our 38th wedding anniversary last month. After being sworn in as a State Senator, Diana and I enjoyed a good dinner and a nice bottle of wine. As I pondered over the reality of becoming a Florida Senator, I very thoughtfully looked at my wife and said, "Honey, in your wildest dreams, did you ever think that I would be a Florida State Senator?" Diana looked at me and said, "Garrett, you're not in my wildest dreams!"

As I stand here and look at my wife and my three wonderful children, and the youngest of my three grandchildren, my heart is exploding with pride. Yes, being in the Florida Senate is an awesome challenge and tremendously rewarding. In fact, it has surpassed my wildest dreams. Being married to Diana and, looking at our children who have become great citizens and fabulous parents, causes me to expand my chest and stand tall with pride.

I mentioned earlier that Senator Ring and I were in the "short caucus." Well, when I look at my family and I think about my kids, my son-in-laws, Brian and Alex, and their children, Ian, Leah and Santiago, I become the tallest person in the universe! Measured against everything and anything that I have ever done or been involved with, my family is number one! Diana, Melissa, Elizabeth, Robert, and Santiago, you motivate me; you are the source of my greatest pride. You are the reason that I consider my shadow before I make any choices whatsoever! I love you all dearly.

Diana, I've loved you the longest. You are the absolute greatest person to ever come into my life. You are an admired and passionately loved mother and Mimi. Our family is what it is today because of your love, your leadership, your compassion, and your tremendous insight. I love you.

Senators, I know that each and everyone of you is busy, busy, busy. At any one time you each have 15 balls in the air that you are juggling. You have the policy decisions we'll be faced with over the next five months. You have your private lives and the challenges that come with an economy that is limping along. You have young family members who you are responsible for rearing, and you have elderly family members for whom you may be responsible for caring. Yes, you are each juggling 15 balls; remember, 14 of the balls that you are juggling are rubber. One of the balls is glass. The rubber balls will bounce back up. The glass ball is your family. Don't drop the glass ball.

I mentioned that the honor to serve as your Pro Tempore was elevated because the call was made by President Gaetz. I say this because President Gaetz values his reputation. He is proud to travel with his shadow anywhere that he goes. He loves his family, and it certainly shows. To Vicky, Erin, and Representative Gaetz, today is another day in many that your chests swell with tremendous pride. Your husband and father is a role model for our state and nation. He is a man who has earned my respect; he is a man who I will proudly serve. He is a man whose company I am proud to keep! Senate President Don Gaetz, thank you for this honor. I accept the appointment and look forward with great expectations to being your President Pro Tempore.

## COMMUNICATION

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

Debbie Brown, Secretary  
The Florida Senate

November 19, 2012

Dear Madam Secretary:

This is to 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 Christopher "Chris" Smith as the Democratic Leader for the 2012-2014 Term and Senator Maria Lorts Sachs as the Democratic Leader Pro Tempore for the 2012-2014 Term.

Additionally, Leader Smith announced the appointments of Senator Oscar Braynon II as Democratic Whip, Senator Darren Soto as Democratic Deputy Whip and Senator Bill Montford as the Democratic Policy Chair for the 2012-2014 Term.

The President recognized Senator Smith for brief remarks.

**Senator Smith:** Thank you Mr. President. I want to thank you for this opportunity to give brief remarks. During my swearing-in, I had a lot of people standing on this side, and I asked for special permission because it is something special to me. It is my last time being sworn in to the Legislature. First, I want to thank my wife and my two children who are here with me. My little one, Christian, almost put his hand on the Bible following the Gardiner children. He stood there and it meant so much to me. That's what it's all about. We talk so much about family and about having family with us. That's why we work hard and that's what we're here for. I have my wife here who has been a single mother for months now. She has taken on the responsibility of raising the children and doing everything while I'm out on the road. She's a champion in our household. Beyond our household, she is very active in the community. She led voter rallies, she runs the City of Lauderhill, and just does a tremendous amount of work. I spoke earlier about our staff here, but another hard-working staff are those family members that we have at home, who hold down the fort and do all those things while we are back and forth in Tallahassee. I want to thank my lovely wife for standing here with me today.

Standing behind me, on this side, are my aunts and uncles. Years ago, my grandmother passed away. We have a close family. I think about 55 of them came today and are up in the gallery. My aunts and uncles are on the floor. I asked special permission for them to be here. When my grandmother passed, they stepped in the gap. My Auntie Rose, the matriarch of the family, started making sure that the family stood together. My Aunt Gladys, during my first campaign, opened the campaign office and worked there every single day. My Aunt Bertha, who sold insurance back in the day, walked door-to-door every day. My Uncle Gene, who is a strong role model in our family, kept us together. My Uncle Mickey drove me to college and was always there for me. Also sitting with them is a gentleman who was with me in the House and has always been around, Bob Huebner. I've mentioned before that he is a surrogate father for me. He hired me back in high school to be a runner in his law firm. He just couldn't get rid of me after that. I like to say that he is my other conscience. He's a former Republican County Commissioner and an active Republican who calls me about every day when he reads a quote from me. They stood in the gap for me when my grandmother passed. They've always been there for me. They've worked hard for me.

As we enter this legislative session, I have to remember that I am a very blessed man. I am very lucky that I had them standing in the gap, helping my mom out when she couldn't come up with the rent; helping my mom out when I was just too much to handle at school; and helping my mom out when I was in trouble. Not all Floridians are that lucky. Not all Floridians have aunts and uncles, a great mother, and family to stand in the gap for them. As we go through this legislative session, let's remember those who are not as blessed as you or me. Let's remember that they don't have those families that stand forth. That is why we work so hard. I look forward to working with Senator Gaetz on education—a man with a unique perspective and a unique credibility in being a former superintendent. When he speaks about education and a well-flowing education system, we should listen to him. We should always keep in mind that there are kids in those schools who don't have a mother at home like Desorae to make sure that they get breakfast every morning. They don't have computers at home so that they can keep up with their school work. We have to remember that when we're talking about education, there are kids out there in Florida who are not as lucky as Christopher and Christian—who don't have two parents. When we talk about health care and implementing whatever federal laws that we have to implement, let's think about those people who have health problems; who don't have an Uncle Mickey or an Aunt Rose to chip in when they are stuck in the hospital; who don't have a Mr. Huebner to come by with food for them when they're too physically ill to go out. Remember, there are people who are not as blessed as we are.

When we talk about insurance, I look forward to working with my good friend, Senator Richter, who I served with on the Insurance Committee for many years—a man who thinks about how we can keep a viable insurance market, but also how we can keep it affordable for people. I

brought my family up today because they mean so much to me and they have done so much for me. I brought them up today to remind me and to remind you that's what we're here for. That's who we are here for. We are here for the people who stand in the gap and we're here for people who don't have a strong family like I do, to stand in the gap. Mr. President, you are a person who, through your business and through your personal life, has always had that in mind. When you started your business, it was a business that was built on caring and compassion. You knew that not everyone had a family like mine and that in their time of need, in their final days, they needed someone to stand with them. You have always been that way through business and personal life, and I look forward to working with you as we look at all Floridians who don't have that row of uncles and aunts and who don't have that bus load of family and friends. As we make this day better, fighting hard and working hard for those people in the State of Florida, I look forward to working with you and the entire body. The Democratic Caucus looks forward to working with all of you to make sure that we continue to make this state the best in the nation.

## COMMITTEE APPOINTED

On motion by Senator Altman 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 Soto, Legg, Simpson, Grimsley, and Lee. The committee was excused.

## SPECIAL PERFORMANCE

The President introduced Kiara and Symone Thompson, granddaughters of Senator Thompson, who sang "America the Beautiful."

## ADDRESS BY PRESIDENT

**President Gaetz:** Governor Scott, Lt. Governor Carroll, Mr. President, Mr. Chief Justice, fellow Senators, and fellow citizens.

Thank you, Senator Detert and Senator Montford, for your generous remarks and your nomination. Thank you my fellow Senators for your trust, a trust I know must be earned and re-earned in the days and years ahead.

Yesterday, I joined his family and friends and Senate colleagues in celebrating Senator Chris Smith as the new Minority Leader of the Senate. I want Senator Smith to know that I have worked extra hard for two years to ensure that he would be the Minority Leader, so this is a good day for both of us. I ask the Senate to join me in congratulating my friend and our Minority Leader, the Honorable Chris Smith.

If I have had any success in business, politics, or marriage, it's been because I chose partners better than me. The Senate has made sure of that for the next two years. Thank you for approving my selection of Senator Garrett Richter as President Pro Tempore.

Look across this floor today. Family is all important. Family is the heart of my life. A few years ago, I was in the middle of a tough, bitter, nasty campaign, and I knew that the next morning my opponent would hit me hard, really hard, in the newspaper. So I gathered our family around the kitchen table and tried to prepare them, to apologize for dragging them into politics, trying to reassure them. I said, "I promise. I'll carry you through this." My daughter, Erin, hugged me and said, "Daddy, don't you know. We've been carrying you." Erin and Matt, thank you for always carrying me. And Vicky, you're really going to like Vicky. She is the rock of our family and the love of my life—the First Lady of the Senate, Vicky Gaetz.

Today forty of us, chosen by 19 million, begin a rite of passage as old as Florida. Today, we take up the ancient duty of citizen legislators—to be the living tissue that connects the folks back home with a government of their own making and of their own choosing. Lifted up by our communities and surrounded by our families today, we celebrate the peaceful transfer of the people's power. From the prayer by Senator Galvano's father-in-law, to the thrilling performance of our National Anthem by Senator Legg's daughter to the sweet inspiration of Senator Thompson's granddaughters, to the Pledge of Allegiance led by all the Senate children, the stars of the show today are our fifteen new Senators and their families. Nearly 40 percent of the Senate has come fresh from the

grassroots of Florida. They are the grassroots of Florida. Diana and Garrett, Desorae and Chris, and Vicky and I—all of us—welcome you, each of you, to your new extended family—the Senate family.

We came today as forty different people—a nurse, a strawberry grower, a dentist, four educators, a printer, a banker, a dad with a three-month-old daughter, a mom whose daughter was just wounded in combat halfway across the world, a singer-songwriter, an auctioneer with a putt-putt golf course, a guy who spent part of the summer figuring out how to get Turkish olive oil to Miami, and a farmer with a million chickens, and he's named each one of them. There's the usual posse of lawyers and the rest of us. Forty lives fully lived, each distinct, and each different.

By the oaths we swore today, we became Senators. In spite of our differences, in spite of ourselves, starting now we share one identity—the Senate. There is a reason the Senate is collegial. There are only forty of us. Sometimes, on a Senate committee, there are only five of us.

The bill some lobbyist has asked you to kill this morning is sponsored by a Senator chairing the committee hearing your bill this afternoon. We are lashed together like two people in a three-legged race. I cannot pass my priority until I earn your support and you cannot advance your cause unless I help you. I have learned, sometimes the hard way, that, in the Senate, your colleagues can't make you but they can surely break you.

The Senate is about more than mutual need. In these committee rooms and on this floor and during these years, you will come to cherish your friends and admire your opponents. And you may find that those you thought were your opponents become your friends. I know I have. Of course there will be partisanship. In case anyone missed it, we just had an election. Elections can be tough. Primaries can be tougher. They're supposed to be. It's in the hot, fierce clash of campaigns that political results are forged.

The difference between Tallahassee and Washington is that here, unlike there, the campaign is over. Here, unlike there, we will actually produce a budget, we will face uncomfortable facts, and make hard choices instead of borrowing a first class ticket to ride a runaway train toward a fiscal cliff. You want to know who lost the 2012 election? Congress. Congress, both parties, has an approval rating of 11 percent. Moamar Kadafi had an approval rating of 14 percent and his people killed him. The floor in this chamber is not divided by a partisan aisle that freezes us into gridlock on separate sides of every issue. This isn't Washington, and we're not going to operate like Washington.

Today is not the day for detailing every priority or plan. That day will come as our committees sift through and refine the proposals each of us will make in the next two months. But perhaps today is a time to share how we will go about the people's business. I cannot go home to Niceville with the excuse that I did nothing about job growth and blame the Democrats. If my neighbors' children come home from college or university with \$30,000 in debt and a degree that doesn't qualify them for a real job, I won't get by pointing fingers at the Governor.

In my medium-sized north Florida county, a commissioner was just removed for official misconduct, the TDC director committed suicide after he stole bed tax and BP money, the Speaker of the House was forced to resign, the Tax Collector was run out of office, our college president was fired, and our sheriff is in federal prison. That's just my county. The people whose doors I knocked on to get elected won't buy it if I say we couldn't pass ethics reform because of the House of Representatives. They think Senate and House, Governor and Legislature are hyphenated words and they hold us responsible together. The people who sent me here, the people who sent you here, want solutions, not excuses. That's why Speaker Weatherford and I are working together on a joint agenda:

- To make Florida a better place for moms and dads to keep their jobs or get better jobs;
- To lash higher education to the realities and opportunities of the economy so Florida's sons and daughters will be prepared with college and university degrees that lead to high-pay, high-demand jobs;
- To raise the standard of ethical conduct in local and state government.

There is at least one other priority that Speaker Weatherford and I share; Floridians should never again have to stand in lines for six and seven hours to vote. Floridians should never again have to wonder if their ballots were miscoded, misprinted, or miscounted. Floridians shouldn't be embarrassed that while most counties in our state run flawless elections, some counties keep running flawed elections. This isn't a third world country. America shouldn't have to wait for five days after the polls close to find out how Florida voted. We'll probe. We'll listen. If we need to change laws, we'll change them. But I won't be satisfied, and neither should you, unless the 2014 elections in Florida are a model for America.

Our constitutional duty is to fashion a budget. Consider this: If the state budget would have continued to grow in the last six years by the same rate as it grew in the preceding six years, the budget this year would be \$120 billion. Instead, it's \$70 billion—\$50 billion less. We're not spending less because the critical needs of our state are less. Our needs have actually increased as hundreds of thousands of our neighbors have lost their jobs, lost their health care, and lost their homes. We're spending less because we have less. I look around this chamber and see women and men who have struggled hard with the tough choices required to balance resources and needs. We have learned lessons in the hard times we cannot forget as times get better—lessons about how to be better stewards of the people's money.

In the book of Joel, the Lord said, "I will restore unto you the years the locusts have eaten." But we're still far from the days of milk and honey.

It's true. Florida has achieved 27 months of positive job growth, Florida has the largest drop in unemployment of any state in the nation, unemployment among veterans has been cut by more than half, and consumer confidence is at a five-year high. But it's also true that either the retirement litigation currently before the state Supreme Court or the "fiscal cliff" that Congress and the President have brought on themselves could force Florida down into billions of dollars of red ink. Consequently, I will ask our appropriations committees to undertake a much more intensive budget review than ever before.

And, different from past Senate practice, I will be asking every Senator to serve on two appropriations committees to take advantage of everyone's insights and everyone's skills to make sure the maximum value is squeezed from every dollar extracted from the pockets of our taxpayers and the cash registers of our businesses. You and I will be judged by whether we have helped or hurt or been irrelevant to the slow, steady, and permanent recovery of Florida's economy. You and I will be judged by whether it is more or less likely that a high school, college, or university graduate can count on his education as the passport to a job. You and I will be judged, in spite of ourselves, not by what we say, but by what we do to reform the way we run elections and raise the standards of ethical conduct from the courthouse to the state house.

Let us go forward, together, to lead the land we love, and so bear ourselves that we can look our communities, our constituents, and our children straight in the eye and say, "When I was there, when I was a Senator, we built a better Florida."

## COMMITTEE RECEIVED

A committee from the House of Representatives composed of Representatives Fasano, Hooper, Gibbons, Nelson, Schwartz, Beshears, Young, Peters, Raulerson, Spano, and Zimmerman was received and informed the Senate that the House of Representatives was convened for the purpose of organization. The committee then withdrew from the chamber.

## COMMITTEE DISCHARGED

The committee appointed to notify the House of Representatives appeared at the bar of the Senate and 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 Thrasher, the Rules were adopted to govern the Senate for the ensuing two years.

On motion by Senator Thrasher, the Secretary was authorized to make any technical and conforming changes to the 2012-2014 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 ~~preceding the regular session of each odd-numbered year~~. 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, and their~~ 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, and their~~ names shall be certified to the Secretary at the organization session.

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

##### 1.2—The President calls the Senate to order

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

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

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

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

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

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

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

See Rule 8.9—Appeals.

See Rule 8.10—Appeals debatable.

(3) As necessary, the President is authorized to incur travel and per diem expenses for the next session of the Legislature. The President shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred in transacting Senate business as author-

ized. 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~~ to committees

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

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

##### 1.6—The President's vote

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

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

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

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

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

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

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

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

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

See FLA. CONST. art. II, 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 ~~an assistant enrolling and engrossing clerk~~.

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

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

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

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

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

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

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

**1.11—The Secretary prepares daily calendar**

- (1) The Secretary shall prepare a daily calendar that shall set forth:
- (a) The order of business;
  - (b) The committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute;
  - (c) The status of each bill, i.e., whether on second (2nd) reading, ~~or third (3rd) reading, or unfinished business~~;
  - (d) Notices of committee meetings; and
  - (e) Notices of meetings required pursuant to Rule ~~1.45~~ 1.44.
- (2) The Secretary shall publish ~~make available~~ the daily calendar for the information of the Legislature and the public.

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

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

See Rule 5.1—Taking the yeas and nays.

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

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

See FLA. CONST. art. III, 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**

The Secretary shall examine all bills on their tender for introduction, but prior to their receiving a number, he or she shall determine whether they meet the requirements of law and of these Rules. The Secretary shall direct the attention of the introducer to apparent defects, but the introducer shall be exclusively responsible for the constitutional and legal correctness of the bill.

See Rule 3.1—Form of bills.

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

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

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

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

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

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

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

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

(3) ~~(2)~~ The Secretary shall advise 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 as defined in Rule 2.15. The report may be received when the message is reached under Messages from the House of Representatives Committee reports and accompanying measures shall be placed on the calendar.

**PART TWO—SENATORS****1.20—Attendance, ~~and~~ 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 sessions 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 ~~may~~ 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 ~~section 112.312(8), Florida Statutes~~. 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.

~~(3) All Senators shall arrive for each daily session prepared to discuss that day's scheduled Senate business.~~

**1.21—Excused absence**

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

**1.22—Senate papers left with Secretary**

A Senator necessarily absent from a sitting session 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 session~~ or who enters after such roll call and announces his or her presence to the Senate shall thereafter be considered present unless excused by the President.

See Rule 4.2—Quorum.

### 1.24—Contested seat

If a seat in the Senate is contested, notice stating the grounds of such contest shall be given by the contestant to the Senate prior to the day of the organization session of the Legislature; and the contest shall be determined by majority vote as soon as reasonably possible. The President shall appoint a Credentials Committee to be composed of not more than ten (10) members who shall consider the question and report their recommendations to the President, who shall inform the Senate.

### 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.

### 1.27—Repealed

## PART THREE—SENATE EMPLOYEES

### 1.28—Dismissal of employees; ~~employment services of a spouse~~

(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 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 heads.

### 1.31—Absence without permission

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

### 1.32—~~Employee~~ political activity

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

## PART FOUR—LEGISLATIVE CONDUCT AND ETHICS

### 1.35—Legislative conduct

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

### 1.36—Improper influence

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

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

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

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

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

(4) Upon a determination that a Senator has violated this Rule, the President shall remove such Senator from all assigned committees subject to the right of appeal under Rule 1.5(2).

### 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 and disqualification

(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.

A Senator is not disqualified from voting when, in the Senator's judgment, a conflict of interest is present. However, a Senator shall disclose any personal, private, or professional interest in a matter that would inure to that Senator's special private gain or the special gain of any principal to whom the Senator is obligated. Such disclosure concerning a vote during a session shall be filed with the Secretary for reporting in the Journal immediately following the record of the vote. Such disclosure may explain the logic of voting or of his or her disqualification. Disclosure concerning a vote that was not cast during a session should be filed pursuant to section 112.3143(2), Florida Statutes.

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

#### **1.40—Ethics training**

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

#### **1.41 1.40—Senate employees and conflicts**

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

#### **1.42 1.41—Advisory opinions**

All Questions from Senators relating to the interpretation and enforcement of these Rules regulating legislative conduct and ethics shall be referred to the Senate General Counsel and Rules Committee or shall emanate therefrom. A Senator may submit a factual situation to the Senate General Counsel Rules Committee with a request for an advisory

opinion establishing the standard of public duty. The Senate General Counsel committee shall enter an its opinion responding to each inquiry on which a Senator may reasonably rely. All opinions shall, after hearing, be numbered, dated, and published in the Journal. No opinion shall identify the requesting Senator without the Senator's consent.

#### **1.43 1.42—Violations; investigations, penalties**

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

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

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

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

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

#### **1.44 1.43—Open meetings**

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

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

See FLA. CONST. art. III, 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 1.44—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 not later than~~ four (4) hours before the scheduled time of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed ~~at least not later than~~ 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) 1.44(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) 1.44(1)~~ are not sufficient to permit publication in a daily or interim calendar, the Secretary shall publish on the Senate website and post on the Senate side of the fourth (4th) floor rotunda on the fourth (4th) floor of the Capitol make available such notice in the public corridor leading to the Senate Chamber. The Secretary shall make a diligent effort to give actual notice to members of the ~~media press~~ of all noncalendared meeting notices.

(4) Political caucuses shall be open to the public in accordance with Rule ~~1.44 1.43~~ and noticed in accordance with this Rule when legislative business issues 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 1.441—Constitutional requirements concerning open meetings**

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

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

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

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

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

#### **1.47 1.443—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 1.444—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, and select committee public records, not exempted from public disclosure, shall be retained electronically by each staff director until ~~biennially~~ 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. ~~However, when obtained from the Office of the Secretary, a standing committee, standing subcommittee, or select committee, there shall be no charge for a single copy of a bill other than a general appropriations bill, or for a single copy of any other public record required by law or Senate Rule to be created.~~

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

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

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

- (a) Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, *Florida Statutes*, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), *Florida Statutes*, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.
- (b) A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.
- (c) A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.
- (d) A draft of a report, bill analysis, or 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 bill analysis or fiscal note is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.
- (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 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 30-day 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 1.45—Violations of Rules on open meetings and notice**

Violations of Rules 1.44 1.43 and 1.45 1.44 constitute violations of the Rules regulating legislative conduct and ethics and shall be subject to the procedures and penalties prescribed in Rule 1.43 1.42.

See Rule 1.43—Violations; investigations, penalties.

### **RULE TWO**

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

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

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

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

- (a) Agriculture
- (b) Appropriations
  1. Subcommittee on Criminal and Civil Justice
  2. Subcommittee on Education
  3. Subcommittee on Finance and Tax
  4. Subcommittee on General Government
  5. Subcommittee on Health and Human Services
  6. Subcommittee on Transportation, Tourism, and Economic Development
- (c) ~~(b)~~ Banking and Insurance
- (e) ~~Budget~~
  1. ~~Subcommittee on Criminal and Civil Justice Appropriations~~
  2. ~~Subcommittee on Education Pre K—12 Appropriations~~
  3. ~~Subcommittee on Finance and Tax~~
  4. ~~Subcommittee on General Government Appropriations~~
  5. ~~Subcommittee on Health and Human Services Appropriations~~
  6. ~~Subcommittee on Higher Education Appropriations~~
  7. ~~Subcommittee on Transportation, Tourism, and Economic Development Appropriations~~
- (d) Children, Families, and Elder Affairs
- (e) Commerce and Tourism
- (f) Communications, Energy, and Public Utilities
- (g) Community Affairs
- (h) Criminal Justice
- (i) Education ~~Pre K—12~~
- (j) Environmental Preservation and Conservation
- (k) Ethics and Elections
- (l) Gaming
- (m) ~~(k)~~ Governmental Oversight and Accountability
- (n) ~~(l)~~ Health Policy Regulation
- (m) ~~Higher Education~~
- (o) ~~(n)~~ Judiciary
- (p) ~~(o)~~ Military Affairs, Space, and Domestic Security
- (q) ~~(p)~~ Reapportionment
- (r) ~~(q)~~ Regulated Industries

- (s) ~~(\*)~~ Rules
  - 1. ~~Subcommittee on Ethics and Elections~~
- (t) ~~(\*)~~ Transportation

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

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

(3) No standing committee shall consist of fewer than five (5) members. The President shall appoint the membership of the standing committees and standing subcommittees, provided that each standing committee shall consist of not fewer than five (5) members.

(4) ~~(\*)~~ A select subcommittee may be appointed by a ~~Each~~ standing committee or the chair thereof, with prior approval of the President, ~~may appoint a select subcommittee to study or investigate a specific issue falling within the jurisdiction of the standing committee or to consider a bill referred to it. 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. Select subcommittees shall be regulated by the Senate Rules regulating standing subcommittees, except that a select subcommittee shall exist only for the time necessary to complete its assignment and report to its standing committee, and not to exceed thirty (30) days unless extended by the President. 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.~~

- (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.

## 2.3—Repealed Committee reports

~~(1) Before a regular session of the Legislature convenes, each standing committee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and file same with the President and the Secretary.~~

~~(2) Before a regular session of the Legislature convenes, each standing subcommittee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and submit same to the chair of the standing committee for consideration by such committee.~~

~~(3) Within thirty (30) days following sine die adjournment of a session, committees shall provide information on bills passed by both houses during that session.~~

## 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.

## 2.5—Repealed Committee utilization of federal funds

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

## 2.6—Committee meeting notices; regular session and interim; day fifty (50) rule Notice of committee meetings

(1) Senate committees shall submit a notice of meeting 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) ~~(4)~~ Notice of committee meetings of standing committees, standing subcommittees, and select committees shall be published in the daily calendar. No committee shall consider any bill during the first fifty (50) days of a ~~any~~ regular session until proper notice has been is published in three (3) weekday calendars, including the calendar for the two (2) legislative days preceding and the calendar published on the day of such committee meeting, ~~except committees may meet on the first and second days of a regular session provided a meeting notice was published in a Senate calendar and made available in the public corridor leading to the Senate Chamber for at least two (2) days preceding and the day of such 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) ~~(2)~~ After ~~day the first~~ fifty (50) days of a ~~any~~ regular session, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.10 ~~2.9~~ 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 in session~~. Notice shall be published on the Senate website and posted on the Senate side of the fourth (4th) floor rotunda on the fourth (4th) floor of the Capitol made available in the public corridor leading to the Senate Chamber at least four (4) hours in advance of the meeting. A committee meeting announced during a sitting may occur four (4) hours

after notice of the meeting has been published on the Senate website and posted on the Senate side of the fourth (4th) floor rotunda on the fourth (4th) floor of the Capitol. Such notices may be posted in advance of the oral announcement during the sitting.

~~(3) The chair of a standing committee, standing subcommittee, or select committee or, in the chair's absence, the vice chair shall provide the Secretary's office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, subject, and number of each bill to be considered.~~

~~(7) (4) When While the Legislature is not in session, committee a standing committee, standing subcommittee, or select committee shall file a meeting notices shall be filed notice with the Secretary at least seven (7) days prior to the meeting. The notice shall state 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 considered. The Secretary shall make the notice available to the membership and the public.~~

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

(1) A bill reported by a standing committee without proper notice shall be recommitted to the committee reporting the same on the point of order being made within two (2) ~~sittings~~ days 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 its standing committee without proper notice shall be recommitted to the subcommittee reporting same on the point of order made during the standing committee meeting at which the bill was reported by the subcommittee. 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 ~~Notice of meeting; publication~~**

For publication in the daily calendar, notice of ~~standing committee, standing subcommittee, or select 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. ~~Meeting notices shall appear in the daily calendar.~~

## **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) 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. nor meet or continue to meet after 6:00 p.m. This scheduling shall not limit the powers of the chair of a standing committee or subcommittee as provided in these Rules.~~

~~(2) (3)~~ Unless approved by the President, no committee shall meet after the fiftieth (50th) day of a ~~any~~ regular session except the Rules Committee.

## **2.10—Committee meeting schedules; time limits on meetings ~~When, where committees meet~~**

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

(2) Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the President and notice of such assignment shall be published on the Senate website and posted on the Senate side of the fourth (4th) floor rotunda on the fourth

(4th) floor of the Capitol made available by the Secretary in the public corridor leading into the Senate Chamber. No committee except the Rules Committee shall meet while the Senate is sitting in session without the consent of the majority of the Senate present.

## **2.11—Presentation of bills before committees ~~Attendance by introducer of bill~~**

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Such introducer may discharge this duty by sending another legislator or ; his or her legislative assistant, ~~or any other designee having written permission to speak for the bill.~~ Senate committee professional staff shall be limited to presenting committee bills at meetings of their assigned committees ~~of reference and to presenting before other committees those committee bills that are the subject of approved Senate interim projects.~~

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

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

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

## **2.13—Open meetings**

Except as otherwise provided in ~~these the Senate~~ 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. ~~If any matter is reported on the basis of a poll of the committee, such matter shall be referred to such committee on a point of order made prior to final passage thereof.~~

See Rule 1.44—Opening meetings.

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

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

~~(1) If reporting a matter referred to it, a It shall be the duty of standing committee shall committees to report the matter all matters referred to them either:~~

- (a) Favorably,
- (b) Favorably with committee amendment ~~amendment(s)~~,
- (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 in session or except as provided in Rule 2.7 or Rule 4.7(2).

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 the motion to report 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 the motion to report 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 general subject matter to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure.

- (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 ~~of~~ 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 ~~approved by the chair or, in the chair's absence, the vice chair. Such reports shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the next legislative day 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 legislative day.~~ 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 printed in full on forms prescribed by the Secretary and shall accompany the report. All bills reported unfavorably shall be laid on the table.

## 2.16—~~Standing subcommittee in deliberation; reports~~

(1) ~~If reporting a matter referred to it, a It shall be the duty of standing subcommittee must report the matter subcommittees to report all measures referred to them~~ directly to the standing committee, which shall promptly certify a copy to the Secretary. The standing subcommittee shall report a matter ~~all matters~~ either:

- (a) Favorably,
- (b) Favorably with committee amendment ~~amendment(s)~~,
- (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 the motion to report each bill.

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

(3) In reporting a bill to the standing committee, a standing subcommittee may draft a new measure, embracing the same or related general subject matter, to be returned to the standing committee with the recommendation that the substitute be considered in lieu of the original measure. The substitute measure must be accompanied by the original measure referred to the standing subcommittee and returned to the standing committee in the same manner as a favorable report. ~~The standing committee of reference shall not consider the original measure~~

~~but shall direct its attention to the substitute measure. The standing committee receiving a committee substitute from a subcommittee 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. 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 of without motion. The substitute shall carry the identifying number of the original and shall be returned to the standing committee in the same number of copies required for first (1st) introduction of a similar measure. 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. A Senate subcommittee may not recommend a Senate committee substitute for a House bill.~~

(4) All standing subcommittee reports shall be promptly transmitted to the full committee ~~approved by the chair or, in the chair's absence, the vice chair~~. Each report by a standing subcommittee must set forth the identifying number of the measure. If amendments are proposed by the standing subcommittee, the words "with amendments" shall follow the identifying number. Standing subcommittee amendments shall ~~be printed in full on forms prescribed by the Secretary and shall accompany~~ the report.

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

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

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

(7) ~~A bill with a favorable subcommittee report may be withdrawn, in accordance with Rule 4.10, from the standing committee without any further action on the bill by the standing committee.~~

## 2.17—Quorum requirement of committee

(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 managers 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 ~~Senator(s)~~ designated to represent the President and a conferee from the House of Representatives, or any meeting between a conferee from the Senate with the Speaker or any Representative ~~Representative(s)~~ 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 rotunda on the fourth (4th) floor of the Capitol ~~posted in the public corridor leading to the Senate Chamber~~. 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 in session.

(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 ~~to a later day~~, 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 Chair's calling of committee 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 ~~the order of business. Any member of the committee may question the existence of a quorum. No committee business of any type shall be conducted in the absence of a quorum.~~

### 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, ~~vouchers~~, 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 ~~the daily session of the Senate~~ next sitting following such certification. The ruling shall be entered in the Journal, shall constitute binding precedent on all committees of the Senate, and shall be subject to appeal as any other question. ~~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 a certified question shall be disposed of by the President as if it had been on appeal. The perfection of an appeal or the certification of a question pursuant to this Rule shall not constitute an automatic stay to further legislative action on the measure under consideration.~~

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

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

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

### 2.25—Temporary alternate to chair

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

member, the vice chair shall assume the duties of the chair during the chair's absence.

## 2.26—Vice chair's duties

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

## PART THREE—COMMITTEES—MEMBERS

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

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

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

(3) Failure to attend two (2) consecutive regular meetings, unless excused from attendance in the Senate on those days as provided in these Rules or by the chair of the committee, shall constitute automatic withdrawal from the committee.

(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.

~~(5) The President may designate either the President Pro Tempore or the Majority Leader to vote in any committee. The President shall notify the Secretary and the chair of the affected committee of the designation. The designee may not count for the purpose of a quorum unless specifically stated in the notification.~~

## PART FOUR—COMMITTEES—VOTING

### 2.28—Taking the vote

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

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

### 2.29—Pair voting prohibited

No pair voting shall be permitted by the committee.

### 2.30—Casting vote for another

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

### 2.31—Explanation of vote

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

## PART FIVE—COMMITTEES—MOTIONS AND PRECEDENCE

### 2.32—Motions; how made, withdrawn

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

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

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

### 2.33—Motions; precedence

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

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

which shall have precedence in the descending order given.

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

(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 shall be considered 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 Also when~~ a question has been decided by voice vote, any member, during the meeting at which the vote was taken, may so move.

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

~~(4) (2) Consideration of~~ A motion to reconsider final passage of a measure or the confirmation of an executive appointment may be made prior to or pending a motion to rise. It shall not be taken up or voted on when made but shall be a special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned.

See FLA. CONST. art. III, 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 ~~or pending~~ a motion to rise.

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

(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 four (4) of this Rule, will be a special and continuing item on the committee agenda for the next meeting.

### 2.36—Reconsideration; vote required

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

### 2.37—Reconsideration; debate allowed

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

### 2.38—Reconsideration; collateral matters

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

## PART SIX—COMMITTEES—AMENDMENTS

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

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

- (a) ~~After Subsequent to~~ 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 Subsequent to~~ distribution of all timely filed proposed committee substitutes and proposed committee bills, amendments, amendments to amendments, or substitute amendments to any proposed committee substitute or proposed committee bill must be filed with the committee administrative assistant at least two (2) hours prior to the noticed meeting time.
- (c) Amendments to late-filed amendments, proposed committee substitutes, or proposed committee bills shall be considered timely filed if filed at least two (2) hours prior to the noticed meeting time.
- (d) After the first fifty (50) days of a ~~any~~ 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 com-

mittee administrative assistant at least two (2) hours prior to the noticed meeting time.

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

### 2.40—Sequence of amendments to amendments

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

(Amendment chart, as adopted, not shown here but will be included in the published Rules Manual)

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

(2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

(3) An amendment of the third (3rd) degree is out of order. ~~The following amendments are out of order:~~

- (a) ~~A substitute amendment for an amendment to an amendment.~~
- (b) ~~A substitute amendment for an amendment to a substitute.~~

### 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 general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

### 2.42—Amendment by section

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

### 2.43—Senate amendments to House bills

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

### 2.44—Amendments by previous committees ~~another committee~~

Amendments recommended by all committees of reference shall accompany a bill when filed with the Secretary. No committee shall ~~physically~~ remove an amendment by another committee but may recommend an amendment to an amendment, or a substitute for an amendment, by another committee. Any accompanying amendment

shall be included in a subsequent committee substitute unless altered or negated by committee action. Amendments adopted by a committee to be incorporated in a committee substitute need not be filed with the Secretary as part of the reports required in Rules 2.15 and 2.16.

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

### **2.45—Decorum and debate**

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

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

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

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

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

- (a) Rising to a question of privilege;
- (b) Rising to a point of order requiring an immediate ruling;
- (c) Rising to appeal a decision of the chair concerning a point of order (provided 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 chair shall strictly enforce this Rule.

### **2.48—Speaking rights**

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

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

### **2.49—Time for debate**

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

### **2.50—Limitation on debate**

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

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

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

### **~~2.52—Repealed~~**

### **~~2.53—Repealed Appeals~~**

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

See Rule 2.23—Chair’s authority; appeals.

### **~~2.54—Repealed Appeals debatable~~**

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

See Rule 2.23—Chair’s authority; appeals.

## **RULE THREE**

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

#### **3.1—Form of bills**

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

See FLA. CONST. art. III, 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.

(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 be-

tween regular sessions.  
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~~ Forms of affidavit may be found in section 11.03, Florida Statutes obtained from the Secretary. 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

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

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

### 3.5—Form of memorials

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

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

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

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

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

(1) ~~To facilitate processing and committee referencing, All bills (except for the general appropriations bill, implementing bills, appropriations conforming bills, local bills, Senate resolutions, concurrent resolutions, committee bills, and trust fund bills or public record exemptions that are linked to timely filed general 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,
- (g) committee bills,
- (h) trust fund bills, and
- (i) public-record exemptions that are linked to timely filed general bills.

(2) 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.

(3) 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 ~~all filed bills~~, including the referencing data for each bill, and a calendar of all committee hearings, including the bills noticed for hearing by each.

(3) Each bill considered by a committee and reported to the Secretary during the interim shall be introduced and read on the first (1st) day of the regular session, pursuant to the *State Constitution*, *Laws of Florida*, and these Rules. The Journal shall reflect the committee reference and the report of the committee. All requirements for the referencing of bills to and the consideration of bills by Senate committees shall be deemed to have been met and discharged if the jurisdictional requirements of this Rule have been complied with as to each of such bills.

~~(4) If a committee fails to consider and report a filed bill prior to the convening of a regular session, the committee or committees failing to so report shall conduct hearings and file reports during the regular session.~~

~~(4) (5)~~ 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) legislative day on which the Senate ~~sits meets~~, move for reference to a different committee or for removal from a committee. This motion may be adopted by a two-thirds (2/3) vote of those Senators present.

~~(5) (6)~~ 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 Budget 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 Budget 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 at the desk of the Secretary. They shall be serially numbered with even numbers as introduced, without differentiation in number as to type. The Secretary shall mark the original copy of each measure to ensure its identification, and each page thereof, as the item introduced in order to prevent unauthorized or improper substitutions. This identification may be made by any device to accomplish the purpose of this Rule. Such device shall be in the custody of the Secretary, and its use by any person not authorized by this Rule is prohibited.

### 3.11—Companion measures

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

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

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

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

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

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

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

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

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

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

## RULE FOUR

### ORDER OF BUSINESS AND CALENDAR

#### 4.1—Sittings Sessions of the Senate

The Senate shall convene meet 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 Calendar Group. During the first fifty (50) days of a regular session, the Senate shall not convene before 7:00 a.m. nor meet or continue to meet after 8:00 p.m. Otherwise, the Senate shall not convene before 7:00 a.m. nor meet or continue to meet after 6:00 p.m.

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

#### 4.2—Quorum

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

See FLA. CONST. art. III, 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 legislative day, a calendar corresponding to the Daily Order of Business; and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be omitted from the formal calendar and may be distributed to Senators by the Secretary separately. 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 the direction of the President.

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.

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

#### 4.4—Committee of the Whole

By a majority vote of those Senators present, the Senate may resolve itself into a Committee of the Whole and, when thus constituted, may consider any question whether formally introduced in the Senate or not. The Senate may, however, restrict the subject matter to be considered by the Committee of the Whole, or its jurisdiction, by resolving itself into a Committee of the Whole for a specific and limited purpose. The President shall preside and maintain order and decorum. The Senate Rules relating to standing committees shall govern when applicable. The Committee of the Whole may consider and report, by majority vote of those committee members present, on any bill or question not formally introduced in the Senate and any bill on which all standing committees of reference have rendered a favorable report. A bill on which committee action has been taken by the committee or committees of reference or on which an unfavorable committee report has been filed may be considered only by a two-thirds (2/3) vote of those committee members present. Such vote shall also be required to favorably report any such bill to the Senate. A bill thus originating in a Committee of the Whole shall, when introduced as contemplated by the *State Constitution*, receive no further reference to committee. A favorable report by a Committee of the Whole on a bill having theretofore received an unfavorable report by a standing committee of reference shall not have the effect of withdrawing such bill from the table. Consideration by the Senate of such a bill shall be preceded by the adoption of the appropriate motion during a sitting session of the Senate. Bills considered by a Committee of the Whole shall be read

once, debated, amended, and acted on as a standing committee function. The body of a bill formally introduced shall not be interlined or defaced, but all amendments denoting the location shall be entered on a separate paper by the Secretary of the Committee of the Whole. The same shall be agreed to by the Committee of the Whole, and the report filed as otherwise provided in these Rules for committee reports. After report, the bill or other matter may be again debated and shall be subject to be again amended by the Senate. The quorum for a Committee of the Whole shall be the same as for the Senate, and when the Committee of the Whole shall rise, the roll shall be called to ascertain the presence of a quorum of the Senate.

#### 4.5—Conference committee report

(1) The report of a conference committee appointed pursuant to Rule 1.5 shall be read to the Senate ~~at~~ on two (2) consecutive sittings ~~legislative days~~, and on the completion of the second (2nd) reading the vote shall be:

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

During the last five (5) days of a regular session and during any extension thereof, the report shall be read only once. Copies of conference committee reports shall be available to the membership twelve (12) hours prior to the time such report is scheduled to be taken up on the Senate floor.

(2) The report must be acted on as a whole, being adopted or rejected, ~~and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.~~

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

#### 4.6—Reference generally

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

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

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

~~(4) If the President has not previously designated a standing subcommittee of reference, the chair of the standing committee shall promptly determine whether such measure shall initially be considered by the standing committee, a standing subcommittee, or a select subcommittee appointed by the chair. The chair, in referring a bill to a subcommittee, shall specify the number of days available for consideration and may, at any time, remove the bill from the referenced subcommittee. If subreference is to a standing subcommittee, the chair of the standing committee shall promptly report this reference and the time allowed for consideration, or the removal of the bill from the referenced subcommittee, to the Secretary on forms prescribed by the Secretary.~~

(4) ~~(5)~~ The review of a bill that appears to be local in nature shall be performed by the Secretary Rules Committee 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 Rules Committee, through staff review, has determined that the bill is not local in nature for referencing purposes, the Secretary committee 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) ~~legislative~~ days from date of receipt by the Secretary Rules Committee. When the Secretary Rules Committee, through staff review, has determined that a bill is local in nature for referencing purposes and that it responds to the legal requirements of a local bill, the bill shall be available for the calendar on local bills notwithstanding Rule 4.3(5).

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

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

(2) If a committee reports a bill favorably with committee substitute or with any amendment which substantially amends the bill, the President may change or correct the reference of the reported bill. ~~This Rule does not apply to a bill reported by a subcommittee unless the bill has been withdrawn from the standing committee.~~ Notice shall be given to the Secretary and the introducer of the bill.

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

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

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

(3) A bill containing a local mandate as described in ~~All bills which are affected by the provisions of~~ Article VII, Section 18 of the *State Constitution* shall be referred to reviewed ~~by~~ the Community Affairs Committee.

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

#### 4.81—Claim bills

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

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

motion to consider a House claim bill which does not have a timely filed Senate companion bill shall be referred to the Rules Committee for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. The determination by the Rules Committee shall be reported back to the Senate. Upon a determination by the committee that an emergency does exist, the motion may be considered by the Senate and must be adopted by a two-thirds (2/3) vote of those Senators present.

(3) If the President determines that a de novo hearing is necessary to determine liability, proximate cause, and damages, a special master shall conduct such hearing pursuant to reasonable notice. Discovery procedures shall be governed by the *Florida Rules of Civil Procedure* and the *Florida Evidence Code*, as applicable. The special master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the special master who shall be available, in person, to explain his or her report to the committees and to the Senate.

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

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

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

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

#### 4.9—Reference of resolutions

(1) Substantive ~~All~~ resolutions shall be referred by the President to a standing committee, ~~except~~

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

- (a) Senate organization,
- (b) ~~resolutions of~~ condolence and commemoration that are of a statewide nonpolitical significance, ~~and~~ ~~or~~
- (c) concurrent resolutions recalling a bill from the Governor's office, adopting ~~setting~~ Joint Rules of the Legislature, extending a session of the Legislature, or setting an effective date for a bill passed over the Governor's veto.

The resolutions listed in subsection (2) These 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.

(3) A joint resolution setting an effective date for a bill passed over the Governor's veto may be considered on motion and introduced without reference.

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

After ~~When~~ 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.

#### 4.11—Papers of miscellaneous nature

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

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

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

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

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

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

(2) Concurrent resolutions recalling ~~used to recall~~ a bill from the Governor's office, adopting ~~adopt~~ Joint Rules of the Legislature, extending ~~extend~~ a session of the Legislature, or setting ~~set~~ an effective date for a bill passed over the Governor's veto may be ~~are exempt from the provisions of this Rule and may be introduced, read a the 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; ~~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.~~

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

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

#### 4.16—Consideration out of regular order

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

#### 4.17—Procedure to establish Special Order Calendars and calendar; ~~Consent Calendars calendar~~

(1) Commencing fifteen (15) days prior to a regular session ~~of the Legislature permitted under the State Constitution~~ and continuing through any extension ~~thereof, permitted under the State Constitution,~~ a Calendar Group, consisting of the Rules Chair, Rules Vice Chair, Majority Leader, and Minority Leader, ~~two (2) members of the Rules Committee designated by the President, and one (1) member of the Rules Committee designated by the 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 ~~of~~ such bills appear on the published Special Order Calendar.

(2) ~~Except for~~ A Special Order Calendar submitted for the first (1st) day, ~~or~~ 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 each 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, for the second (2nd) succeeding legislative day on which the Senate meets, and this calendar may include~~

- (a) Bills that had been scheduled for a Special Order Calendar for a previous sitting may be included in the next Special Order Calendar ~~on the previous legislative day~~. No other bills shall be considered until this Special Order Calendar has been completed by the Senate, ~~except that any~~
- (b) ~~A bill appearing on a Special Order Calendar this calendar may be stricken by a two-thirds (2/3) vote of those Senators present, or any~~
- (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 the same vote.~~
- (d) All bills set as Special Orders ~~Order~~ 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) a Senate calendar or ; provided, during the last ten (10) days of each regular session, notice of date, time, and place may be given by announcement from the floor.~~

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

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

#### 4.18—Local Bill Calendar

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

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

(1) ~~After The order of disposition of a Senate bill that has been read a the second (2nd) time and amended and all questions relative to it have been disposed of, it shall be referred shall be its reference to the engrossing clerk to be immediately engrossed. It shall then after all questions relative to it while on second (2nd) reading have been disposed of, and the same shall be immediately engrossed and placed on the calendar of bills on third (3rd) reading to be considered during the next Senate sitting on a succeeding legislative day.~~

(2) ~~No bill shall be committed to the engrossing clerk or placed on the calendar of bills on third (3rd) reading unless all motions relative to it and placed, by the President, before the Senate have been disposed of. Amendments filed with the Secretary, but the adoption of which have not been formally moved, shall not be construed as to be pending and shall not so as to deter such 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 on the calendar and appropriately read to the Senate as directed by the President.

#### 4.20—Enrolling

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

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

#### 4.21—Veto messages

~~As required by Article III, Section 8 of the State Constitution, if the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session. All 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

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

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

(4) ~~except that~~ No such change of vote or vote after the roll call request shall be accepted if valid where 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 recalled to the Senate for further consideration. Records of such requests shall be available at the Secretary's desk through the session. If no objections are raised before the close of the business that day, requests will be accepted.

(5) (2) ~~The original roll call shall not be altered, but late votes and change of votes shall be recorded under the original roll call in the~~

~~Journal.~~ On request of a Senator before considering other business, the President shall order a verification of a vote.

~~(3) A Senator who was not present for a daily session of the Senate or who was present but did not provide a vote record to the Secretary before the close of business that day, may provide to the Secretary an indication of vote preference. This indication shall be included in a dedicated section of the next Journal published after the Secretary receives the indication. An indication of vote preference will not be accepted if the indication would have, if recorded, altered the 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. ~~In addition to such penalties as may be prescribed by law,~~

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

### 5.4—~~Repealed Pairing~~

~~(1) Pairing, a type of absentee voting by which a Senator who is excused from attendance agrees with a Senator who would have voted opposite the excused Senator, shall be permitted.~~

~~(2) The Senator in attendance shall not vote in the electronic roll call.~~

~~(3) The pair vote form prescribed by the Secretary shall be used and shall:~~

- ~~(a) State the matter to which the pair applies;~~
- ~~(b) Indicate how both Senators would have voted;~~
- ~~(c) Be filed with the Secretary and announced prior to the vote, and~~
- ~~(d) Be recorded in the Journal.~~

### 5.5—Explanation of vote

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

### 5.6—Election by ballot

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

## RULE SIX

### MOTIONS AND PRECEDENCE

#### 6.1—Motions; how made, withdrawn

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

(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) ~~(a)~~ To adjourn
  - 1. ~~At a time certain~~ Instantly
  - 2. ~~Instantly~~ At a time certain  
See FLA. CONST. art. III, s. 3(e) Sessions of the legislature.
- (c) ~~(b)~~ To recess ~~to a later day~~
- (d) ~~(c)~~ Questions of privilege  
See Rule 8.11—Questions of privilege.
- (e) ~~(d)~~ To take a recess
- (f) To proceed to the consideration of executive business
- (g) To reconsider  
See Rule 6.4—Reconsideration generally.
- (h) To limit debate  
See Rule 8.6—Limitation on debate.
- (i) To temporarily postpone  
See Rule 6.11—Temporarily postpone.
- (j) To postpone to a day certain
- (k) To commit to the Committee of the Whole  
See Rule 4.4—Committee of the Whole.
- (l) To commit to a standing committee
- (m) To commit to a select committee
- (n) To amend  
See Rule 7—Amendments.
- (o) To postpone indefinitely  
See Rule 6.9—Motion to indefinitely postpone.

which shall have precedence in the descending order given.

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

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

(4) ~~(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 shall be considered concurrently and the substitute shall be in the same order of precedence.

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

#### 6.3—Division of question

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

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

#### 6.4—Reconsideration generally

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

- (a) If the question has been decided by voice vote, any Senator may ~~so~~ move for reconsideration thereof.
- (b) When a majority of those Senators present vote in the affirmative on the question but the proposition ~~is~~ be 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 ~~to a later day~~ or adjourn.

(3) ~~(a)~~ Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate at its next sitting and when it next meets on a legislative day succeeding that on which the motion was made and, unless taken up under the proper order of business considered on that said day by motion of any Senator, shall be deemed

~~considered~~ abandoned. If the Senate shall refuse to reconsider or, on reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except on unanimous consent of those Senators present.

(4) ~~(b)~~ During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day and time it is offered.

#### 6.5—Reconsideration; vote required

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

#### 6.6—Reconsideration; debate

Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. When the question is debatable, no Senator shall speak thereon more than once or ~~nor~~ longer than five (5) minutes.

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

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

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

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. The adoption of ~~a any~~ 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. During the last five (5) calendar days ~~of allowed under the State Constitution for~~ a regular session and during any extensions thereof, or during ~~a any~~ special session, the bills shall be immediately transmitted to the House. Messages relating to Senate action on House amendments or to conference committee reports shall be transmitted by the Secretary forthwith.

See Rule 6.4—Reconsideration generally.

#### 6.9—Motion to indefinitely postpone

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

#### 6.10—Committee substitute; withdrawn

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

#### 6.11—Temporarily Postpone

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

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

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

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

### RULE SEVEN

#### AMENDMENTS

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

(1) No amendment to a bill on any Senate calendar shall be considered by the Senate unless the amendment was prepared in proper form and filed with the Secretary no later than 5:00 p.m. the day before it is to be offered at a sitting prior to the day that session was called to order. Copies of such amendments shall be made reasonably available by the Secretary before the sitting session, upon request, to the Senators and to the public. The consideration of all amendments not timely filed in accordance with this rule, requires a two-thirds (2/3) vote of those Senators present, if any member requests that such vote be taken.

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

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

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

- (a) Bills that ~~which~~ have received an unfavorable committee report.
- (b) Bills that ~~which~~ 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 ~~which~~ have not been published in at least one (1) daily calendar legislative day under Bills on Second (2nd) Reading in the Senate calendar.

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

#### 7.2—Adoption

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

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

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

#### 7.3—Sequence of amendments to amendments

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

(Amendment chart, as adopted, not shown here but will be included in the published Rules Manual)

- (a) Amendments to the amendment are acted on before the substitute is taken up. Only one (1) amendment to the amendment is in order.
- (b) Amendments to the substitute are next voted on.
- (c) The substitute then is voted on.

(2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

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

- (a) ~~A substitute amendment for an amendment to an amendment.~~
- (b) ~~A substitute amendment for an amendment to a substitute.~~

#### 7.4—Deleting everything after enacting clause

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

#### 7.5—Amendment by section

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

#### 7.6—Printing in Journal

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

#### 7.7—Senate amendments to House bills

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

#### 7.8—House amendments to Senate bills

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

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

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

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

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

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

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

## RULE EIGHT

### DECORUM AND DEBATE

#### 8.1—Decorum and debate

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

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

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

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

#### 8.3—Interruptions; when allowed

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

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

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

#### 8.4—Senator speaking, rights

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

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

#### 8.5—Limit on speaking

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

#### 8.6—Limitation on debate

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

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

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

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

- (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 ~~and~~ may be presented in hypothetical form.

### 8.8—Questioning decision not to abstain

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

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

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

### 8.9—Appeals

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

### 8.10—Appeals debatable

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

### 8.11—Questions of privilege

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

## RULE NINE

### LOBBYING

#### 9.1—Those required to register

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

#### 9.2—Obligations of lobbyist

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

#### 9.3—Lobbyists' requirements

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

#### 9.35—Contributions during sessions

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

#### 9.4—Advisory opinions

(1) A lobbyist, when in doubt about the applicability and interpretation of Rule Nine (9) 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 ~~keep a compilation of~~ all advisory opinions of the Rules Committee.

#### 9.6—Violations; investigations, penalties

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

(2) ~~Separately from any prosecutions or penalties otherwise provided by law, Any person determined to have violated the requirements of this Rule Nine (9) shall be censured, reprimanded, placed on probation, or prohibited from lobbying for the duration of the session and from appearing before any Senate committee. Such determination shall be made by a majority vote of the Senate, on recommendation of the Rules Committee.~~

#### 9.7—Committees to be diligent

Committees shall be diligent to ascertain whether those who appear before them, in other than an obviously individual capacity, have conformed to ~~with~~ the requirements of Rule Nine (9), the Joint Rules, and any other applicable law the Laws of Florida, and shall report violations. No committee member shall knowingly permit an unregistered lobbyist to be heard.

#### 9.8—Lobbyist expenditures and compensation

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

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

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

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

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

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

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

### Part One—Expenditures

#### (1) General Guidelines

##### a) The Expenditure Prohibition

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

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

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

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

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

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

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

##### b) Definitions

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

“*Lobbying*,” in turn, means: (1) influencing or attempting to influence legislative action through oral or written communication (“active lob-

bying”); or, (2) attempting to obtain the *goodwill* of a member or employee of the Legislature (“goodwill”).

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

Goodwill expenditures include contributions or donations from a lobbyist or a principal to a charitable organization that is, directly or indirectly, established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof.

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

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

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

##### c) Honorarium-related Expenses

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

##### d) Indirect Expenditures

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

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

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

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

### TEST FOR DETERMINING LEGALITY OF AN INDIRECT EXPENDITURE

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

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

(3) The existence or nonexistence of any relationship between the lobbyist or principal and the third person, independent of the relation-

ship between the lobbyist or principal and a legislator or employee, that would motivate the transfer to the third person;

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

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

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

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

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

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

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

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

**Example 1:** A law firm which lobbies the Legislature invites all of its attorneys to attend a weekend retreat. The attorneys are encouraged to bring their spouses or significant others at the firm's expense. Legislator C is married to an attorney in the firm and has been asked by her spouse to attend the retreat. The lodging provided to Legislator C for the retreat, food and drink, firm t-shirts, and the like would be considered a gift to her from her spouse and thus not a prohibited indirect expenditure, because the firm's invitation was extended to Legislator C's spouse by virtue of his employment with the firm.

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

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

#### e) Equal or Greater Compensation

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

Therefore, it is not an expenditure if:

1. The fair market value of the event, meeting, or other activity, including any food, beverage, transportation, lodging, or any other thing of value, can readily be determined, and

2. The legislator or legislative employee pays his or her pro rata share of the total fair market value to the person or organization hosting the event contemporaneously with the time of attending or participating in the event.

Thus, if a lobbyist or principal provides \$35 worth of goods or services to a legislator or legislative employee but the legislator or legislative

employee *contemporaneously* provides *equal or greater consideration*, the lobbyist or principal has not provided *anything of value*, thus, there is no "expenditure."

#### f) Valuation

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

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

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

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

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

#### g) Exceptions

##### 1. Relatives

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

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

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

##### 2. Employment-related Compensation and Benefits

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

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

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

### 3. Political Organizations and Entities

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

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

### 4. Communications Expenses

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

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

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

“Office expenses” and personal expenses of the lobbyist or principal for “travel,” “lodging,” and “food and beverages” as those items were defined in former Joint Rule 1.4(4)(c) are exempt from the prohibition on lobbying expenditures. This category does not include any expenses for legislators, legislative employees, or persons whose expenses would be attributed to them.

### 6. Government to Government Expenditures

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

### 7. Free and Open Public Events

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

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

### 8. Regional and National Legislative Organizations

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

### 9. Monetary Value Impossible to Ascertain

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

### 10. Plaques and Certificates

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

### h) Effect of Other Laws and Rules

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

## (2) Frequently Asked Questions

### LEGISLATIVE EVENTS/RECEPTIONS

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

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

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

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

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

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

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

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

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

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

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

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

**ANSWER:** Yes.

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

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

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

#### HONORARIA EXPENSES

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

**ANSWER:** No.

#### GIFTS TO LEGISLATORS

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

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

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

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

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

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

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

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

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

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

#### FOOD AND BEVERAGES/GIFTS

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

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

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

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

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

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

16. *Question: Can a lobbyist’s business partner, employee, spouse, or child, who is not a registered lobbyist, accompany the lobbyist and legislator or legislative employee to dinner and pay for all the food and beverages if the partner, employee, spouse, or child does not actively lobby?*

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

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

**ANSWER:** Yes. A legislator or legislative employee is liable for knowingly accepting an expenditure from a lobbyist or principal, or

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

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

#### CHARITIES

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

**ANSWER:** Yes, *provided* the charity for which funds are sought is not directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof. Otherwise, such a contribution or donation would constitute a prohibited goodwill expenditure.

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

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

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

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

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

**ANSWER:** It depends. If the legislative caucus or the nonprofit group is directly or indirectly established by, organized by, operated primarily

by, or controlled by a legislator or legislative employee, or any combination thereof, then the answer is no.

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

22. *Question: Can a legislative caucus that is established as a nonprofit group host its own charity golf tournament funded by lobbyist or principal “sponsors” at a private club, where the cost of sponsorship buys an opportunity to play golf with a member of the caucus, and to make a presentation to the caucus before and after the event?*

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

#### OTHER

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

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

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

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

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

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

### Part Two—Compensation

#### (1) General Guidelines

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

A “lobbying firm” is any business entity with a lobbyist, or an individual contract lobbyist, who gets paid to lobby for a principal. It is the lobbying firm that must report, *not the individual lobbyists in the firm* (except in the case of an individual contract lobbyist, where the lobbyist also comprises the entire lobbying firm).

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

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

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

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

## (2) Frequently Asked Questions

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

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

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

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

## RULE TEN

### CHAMBER OF THE SENATE

#### 10.1—Persons entitled to admission

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

#### 10.2—Exception

Except at the discretion of the President, no person entitled to admission shall be admitted if registered pursuant to Rule Nine (9). During a sitting, no person admitted under this Rule shall engage in any lobbying activity for or against any measure under consideration in the Senate.

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

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

#### 10.5—Gallery

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

## RULE ELEVEN

### CONSTRUCTION AND WAIVER OF RULES

#### 11.1—Interpretation of Rules

It shall be the duty of the President, or the temporary presiding officer ~~for the time being~~, to interpret all Rules. ~~Motions for the previous question and to lay on the table shall not be entertained.~~

#### 11.2—Waiver and suspension of Rules

(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 ~~be construed to be an amendment to these Rules and shall be referred to the Rules Committee except by~~ unanimous consent of those Senators present for approval.

#### 11.3—Changes in Rules

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

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

#### 11.4—Majority action

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

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

#### 11.5—Uniform construction

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

#### 11.6—General

When used in the Senate Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning: the singular always includes the plural. Except where specifically provided or where the context indicates otherwise, the use of the word “bill,” “measure,” “question,” or “matter” means a bill, joint resolution, concurrent resolution, resolution, or memorial; however, “matter” also means an amendment, an appointment, or a suspension.

#### 11.7—Sources of procedural authority

The latest edition of Mason’s Manual of Legislative Procedure, Jefferson’s Manual, or other manuals of comparable legislative application may be consulted, but shall not be binding, when a question of parlia-

mentary 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

(4) 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 Subcommittee, 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 the special master appointed pursuant hereto are advisory only and shall be made to the President. The report of the committee, subcommittee, or the special master may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or the President may refer it to the Rules Committee for its consideration and report. When the report is presented to the Senate during an open sitting in open session or received by the Rules Committee, the report shall lose its privileged and confidential character.

##### 12.8—Procedure on executive appointments

(1) (2) Upon receipt of a request from by 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) (4) 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) (4) 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 effective date of 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) (3) An executive suspension of a public official who is under indictment or who has pending against him or her criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the Ethics and Elections Committee Subcommittee, other appropriate committee, or special master; however, all inquiry or investigation or hearings thereon shall be held in abeyance and the matter shall not be considered by the Senate, committee, subcommittee, or special master until the pending charges have been dismissed, or until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, and the exhaustion of all appellate remedies for any of the above. The committee, subcommittee, or special master shall institute action within three (3) months after the conclusion of any pending proceedings. In a suspension case in which the criminal charge is a misdemeanor not for the alleged commission of a felony, the committee, subcommittee, or special master and the Senate may proceed if the written consent of counsel for the Governor and of the suspended official is obtained.

(3) (4) 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. The Governor and the suspended official shall be given reasonable notice in writing of any hearing or prehearing conference before the committee or special master.

(4) (5) 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. 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 pre-hearing conference is held, all written defenses or matters in avoidance of the charges contained in the suspension order.

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

(6) ~~(7)~~ 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. The committee, subcommittee, or special master may provide for a pre-hearing conference with counsel for the Governor and the suspended official to narrow the issues involved in the suspension. At such conference, both the Governor and the suspended official shall set forth the names and addresses of all the witnesses they intend to call, the nature of their testimony, 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.

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

(9) 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.

(10) 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.

(11) 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 ~~12.8~~—Special master; appointment**

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

#### **12.12 ~~12.9~~—Special master; floor privilege**

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

#### **12.13 ~~12.10~~—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 ~~12.11~~—Rule takes precedence**

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

### **RULE THIRTEEN**

#### **SPECIAL SESSION**

#### **13.1—Applicability of Senate Rules**

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

#### **13.2—~~Sittings~~ Sessions of the Senate**

The Senate shall convene ~~meet each legislative day at 9:00 a.m. or pursuant to a schedule provided by the President or at the hour established by the Senate at its last sitting.~~

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

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

- (a) Meetings of committees scheduled in accordance with this Rule may be held after notice is published on the Senate website and posted on the Senate side of the fourth (4th) floor rotunda on the fourth (4th) floor of the Capitol ~~made available in the public corridor leading into the Senate Chamber~~ for two (2) hours in advance of the meeting. If possible, such notice shall appear in the daily calendar.
- (b) A committee may meet less than two (2) hours after the convening of a special session if a notice is filed with the Secretary by 5:00 p.m. of the day prior to the meeting.

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

#### **13.4—Delivery for introduction**

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

#### **13.5—Committee reports**

(1) Bills ~~Every bill~~ referred to a standing committee or committees shall be reported to the Secretary before 4:30 p.m. of the third (3rd) calendar day after from the day of reference (the day of reference not being counted as the first (1st) day) unless otherwise ordered by the Senate by majority vote of those Senators present.

(2) Any bill on which no committee report is filed as required above may be withdrawn from such committee and placed on the Calendar of Bills on Second (2nd) Reading ~~calendared~~ on a point of order.

(3) ~~Bills~~ Every bill referred to a standing subcommittee shall be reported to the standing committee at a time specified by the chair of the standing committee which shall not be beyond the time allowed herein.

### 13.6—Conference committee reports

(1) The report of a conference committee appointed pursuant to Rule 1.5 shall be read to the Senate ~~on two (2) consecutive legislative days~~ and, on the completion of the ~~second (2nd)~~ reading, the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. ~~During the last two (2) days of a special session the report shall be read only once.~~ A conference committee report shall be made available to the membership two (2) hours prior to the beginning of debate of the report by the Senate.

(2) The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

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

(4) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. In any event, the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either house.

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

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

### 13.7—Reconsideration

A motion to reconsider shall be made and considered on the same day when made.

### 13.8—Procedure to establish Special Order Calendars ~~calendar~~

(1) ~~A Calendar Group, consisting of The Rules Chair, Rules Vice Chair, Majority Leader, and Minority Leader, two (2) members of the Rules Committee designated by the President, and one (1) member of the Rules Committee designated by the 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 ~~of~~ 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 for the next legislative day. The amendment deadline for bills on the Special Order Calendar shall be 5:00 p.m. or two (2) hours after the Special Order Calendar is announced, whichever occurs later.

## RULE FOURTEEN

### SEAL AND INSIGNIA

#### 14.1—Seal and insignia

(1) There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter having in the center thereof a fan of the five flags which have flown over Florida, above a disc containing the words: "In God We Trust" arched above a gavel, quill, and scroll. At the top of the field of flags shall be the word: "Seal." At the bottom shall be the date: "1838." The perimeter of the seal shall contain the words: "Senate" and "State of Florida."

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

(3) 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.

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On motion by Senator Thrasher, by unanimous consent—

By Senator Thrasher—

**SCR 2-Orig.**—A concurrent resolution establishing the Joint Rules of the Florida Legislature for the 2012-2014 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 2012-2014 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 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. “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) “Office” means the Office of Legislative Services.

(g) “Payment” or “salary” means wages or any other consideration provided in exchange for services but does not include reimbursement for expenses.

(h) “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.

(i) “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 this rule, the terms “lobby” and “lobbying” do not include any of the following:

(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 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 Lobbyist Registration Office 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 who is required to register must register on forms furnished by the Lobbyist Registration Office, on which that person must state, under oath, that person’s full legal name, business address, and telephone number, the name and business address of each principal that person represents, and the extent of any direct business association or partnership that person has with any member of the Legislature. In addition, if the lobbyist is a partner, owner, officer, or employee of a lobbying firm, the lobbyist must state the name, address, and telephone number of each lobbying firm to which the lobbyist belongs. The Lobbyist Registration Office or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Lobbyist Registration Office in writing within 15 days on forms furnished by the Lobbyist Registration Office.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. At the time of registration, the registrant shall provide a statement on a form provided by the Lobbyist Registration Office, signed by the principal or principal’s representative, that the registrant is authorized to represent the principal. On the authorization statement, 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 of Legislative Services, 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.

(4) A lobbyist shall promptly send a notice to the Lobbyist Registration Office, on forms furnished by the Lobbyist Registration Office, canceling the registration for a principal upon termination of the lobbyist’s representation of that principal. A notice of cancellation takes effect the day it is received by the Lobbyist Registration Office. Notwithstanding this requirement, the Lobbyist Registration Office may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the Lobbyist Registration Office that the lobbyist is no longer authorized to represent that principal.

(5) The Lobbyist Registration Office shall retain all original registration documents submitted under this rule.

(6) A person who is required to register under Joint Rule One, or who chooses to register, 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 in administering Joint Rule One, each person who registers under Joint Rule 1.1 must pay an annual registration fee to the Lobbyist Registration Office. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

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

(a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.

(b) Two employees of the Fish and Wildlife Conservation Commission.

- (c) Two employees of the Executive Office of the Governor.
- (d) Two employees of the Commission on Ethics.
- (e) Two employees of the Florida Public Service Commission.
- (f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to \$50 per each house for a person to register to represent one principal and up to an additional \$10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the President of the Senate and the Speaker of the House of Representatives. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Lobbyist Registration Office. The fees collected by the Lobbyist Registration Office under this rule shall be deposited in 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 office 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 shall 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 shall also include the:

1. Full name, business address, and telephone number of the principal; and
2. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or more. If the category "\$50,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.

(c) If the lobbying firm subcontracts work from another lobbying firm and not from the original principal:

1. The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and
2. The reporting lobbying firm shall, for each lobbying firm identified as the reporting lobbying firm's principal under paragraph (b), identify the name and address of the principal originating the lobbying work.

(d) The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this rule; certify that no compensation has been omitted from this report by deeming such compensation as "consulting services," "media services," "professional services," or anything other than compensation; and certify that no officer or employee of the firm has made an expenditure in violation of s. 11.045, Florida Statutes, as amended by chapter 2005-359, Laws of Florida.

(2) For each principal represented by more than one lobbying firm, the office shall aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal. Compensation reported within a category shall be aggregated as follows:

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 reporting statements 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 statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Reporting statements shall be filed by electronic means through the electronic filing system developed by the office, conforming to subsection (4).

(4) The electronic filing system for compensation reporting shall include the following:

(a) As used in this rule, the term "electronic filing system" means an Internet system for recording and reporting lobbying compensation and other required information by reporting period.

(b) A report filed pursuant to this rule must be completed and filed through the electronic filing system 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).

(c) Each person given secure sign-on credentials to file via the electronic filing system is responsible for protecting the credentials from disclosure and is responsible for all filings made by use of such credentials, unless and until the office is notified that the person's credentials have been compromised. Each report filed by electronic means pursuant to this rule shall be deemed certified in accordance with paragraph (1)(d) by the person given the secure sign-on credentials and, as such, subjects the person and the lobbying firm to the provisions of s. 11.045(8), Florida Statutes, as well as any discipline provided under the rules of the Senate or House of Representatives.

(d) The electronic filing system shall:

1. Be based on access by means of the Internet.
2. Be accessible by anyone with Internet access using standard web-browsing software.
3. Provide for direct entry of compensation-report information as well as upload of such information from software authorized by the office.
4. Provide a method that prevents unauthorized access to electronic filing system functions.
5. Provide for the issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.

(5) The office shall provide reasonable public notice of the electronic filing procedures and of any significant changes in such procedures. If, whenever they deem it necessary, the President of the Senate and the Speaker of the House of Representatives jointly declare the electronic system not to be operable, the reports shall be filed in the manner required prior to April 1, 2007, as provided by House Concurrent Resolution 7011 (2007), enrolled, unless the President of the Senate and the Speaker of the House of Representatives direct use of an alternate means of reporting. The office shall develop and maintain such alternative means as may be practicable. Public notice of changes in filing procedures and any declaration or direction of the President of the Senate and the Speaker of the House of Representatives may be provided by publication for a continuous period of reasonable time on one or

more Internet websites maintained by the Senate and the House of Representatives.

#### 1.5—Failure to File Timely Compensation Report; Notice and Assessment of Fines; Appeals

(1) Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm 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 receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine based on when the report is actually received by the office or when the electronic receipt issued by the electronic filing system is dated, whichever is earlier.

(3) Such fine shall be paid within 30 days after the notice of payment due is transmitted by the person designated to review the timeliness of reports, unless appeal is made to the office. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall 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 notice that the report has not been timely filed is transmitted by the person designated to review the timeliness of reports. A fine shall be assessed for any 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 person designated to review the timeliness of reports. In such case, the lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports 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 office 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) No such lobbyist may 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 person designated to review the timeliness of reports shall notify the director 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 Lobbyist Registration Office shall be available for public inspection and for duplication at reasonable cost.

(2) The office 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. The Internet website shall include, but not be limited to, 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.

(2) Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this Joint Rule One, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to Joint Rule One, the Senate Rules, or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house.

(3) The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

#### 1.8—Questions Regarding Interpretation of this 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 this 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 this 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.

## 2.1—General Appropriations and Related Bills; Review Periods

(1) A general appropriations bill shall be subject to a 72-hour public review period before a vote is taken on final passage of the bill in the form that will be presented to the Governor.

(2) If a bill is returned to the house in which the bill originated and the originating house does not concur in all the amendments or adds additional amendments, no further action shall be taken on the bill by the nonoriginating house, and a conference committee shall be established by operation of this rule to consider the bill.

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

(4) A copy of the bill, a copy of the bill with amendments adopted by the nonoriginating house, or the conference committee report shall be furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet. Copies for the Governor, Chief Justice, and members of the Cabinet shall be furnished to the official's office in the Capitol or Supreme Court Building.

(5)(a) Copies required to be furnished under subsection (4) shall be furnished to members of the Legislature as follows:

1. A printed copy may be placed on each member's desk in the appropriate chamber; or

2. An electronic copy may be furnished to each member. The Legislature hereby deems and determines that a copy shall have been furnished to the members of the Legislature when an electronic copy is made available to every member of the Legislature. An electronic copy is deemed to have been made available when it is accessible via the Internet or other information network consisting of systems ordinarily serving the members of the Senate or the House of Representatives.

(b) An official other than a member of the Legislature who is to be furnished a copy of a general appropriations bill under subsection (4) may officially request that an electronic copy of the bill be furnished in lieu of a printed copy, and, if practicable, the copy may be furnished to the official in the manner requested.

(6) The Secretary of the Senate shall be responsible for furnishing copies under this rule for Senate bills, House bills as amended by the Senate, and conference committee reports on Senate bills. The Clerk of the House shall be responsible for furnishing copies under this rule for House bills, Senate bills as amended by the House, and conference committee reports on House bills.

(7) The 72-hour public review period shall begin to run upon completion of the furnishing of copies required to be furnished under subsection (4). The Speaker of the House of Representatives and the President of the Senate, as appropriate, shall be informed of the completion time, and such time shall be announced on the floor prior to vote on final passage in each house and shall be entered in the journal of each house. Saturdays, Sundays, and holidays shall be included in the computation under this rule.

(8) An implementing or conforming bill recommended by a conference committee shall be subject to a 24-hour public review period before a vote is taken on the conference committee report by either house, if the conference committee submits its report after the furnishing of a general appropriations bill to which the 72-hour public review period applies.

(9) With respect to each bill that may be affected, a member of the Senate or the House of Representatives may not raise a point of order under this rule after a vote is taken on the bill. Except as may be required by the Florida Constitution, noncompliance with any requirement of this rule may be waived by a two-thirds vote of those members present and voting in each house.

## 2.2—General Appropriations and Related Bills; Definitions

As used in Joint Rule Two, the term:

(1) "Conforming bill" means a bill that amends the Florida Statutes to conform to a general appropriations bill.

(2) "General appropriations bill" means a bill that provides for the salaries of public officers and other current expenses of the state and contains no subject other than appropriations. A bill that contains appropriations that are incidental and necessary solely to implement a substantive law is not included within this term. For the purposes of Joint Rule Two and Section 19(d) of Article III of the Florida Constitution, the Legislature hereby determines that, after a general appropriations bill has been enacted and establishes governing law for a particular fiscal year, a bill considered in any subsequent session that makes net reductions in such enacted appropriations or that makes supplemental appropriations shall not be deemed to be a general appropriations bill unless such bill provides for the salaries of public officers and other current expenses of the state for a subsequent fiscal year.

(3) "Implementing bill" means a bill, effective for one fiscal year, implementing a general appropriations bill.

### Joint Rule Three—Joint Offices and Policies

## 3.1—Joint Legislative Offices

(1) The following offices of the Legislature are established:

(a) Office of Economic and Demographic Research.

(b) Office of Legislative Information Technology Services.

(c) Office of Legislative Services.

(d) Office of Program Policy Analysis and Government Accountability.

(2) Offices established under this rule shall provide support services to the Legislature that are determined by the President of the Senate and the Speaker of the House of Representatives to be necessary and that can be effectively provided jointly to both houses and other units of the Legislature. Each office shall be directed by a coordinator selected by and serving at the pleasure of the President of the Senate and the Speaker of the House of Representatives. Upon the initial adoption of these joint rules in a biennium, each coordinator position shall be deemed vacant until an appointment is made.

(3) Within the monetary limitations of the approved operating budget, the salaries and expenses of the coordinator and the staff of each office shall be governed by joint policies.

(4) The Office of Legislative Services shall provide legislative support services other than those prescribed in subsections (5)-(7).

(5) The Office of Legislative Information Technology Services shall provide support services to assist the Legislature in achieving its objectives through the application of cost-effective information technology.

(6) The Office of Economic and Demographic Research shall provide research support services, principally regarding forecasting economic and social trends that affect policymaking, revenues, and appropriations.

(7) The Office of Program Policy Analysis and Government Accountability shall:

(a) Perform independent examinations, program reviews, and other projects as provided by general law, as provided by concurrent resolution, as directed by the Legislative Auditing Committee, or as directed by the President of the Senate or the Speaker of the House and shall provide recommendations, training, or other services to assist the Legislature.

(b) Transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by office reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues.

## 3.2—Joint Policies

(1) The President of the Senate and the Speaker of the House of Representatives shall jointly adopt policies they consider advisable to carry out the functions of the Legislature. Such policies shall be binding on all employees of joint offices and joint committees.

(2) The employees of all joint committees and joint legislative offices shall be under the exclusive control of the Legislature. No officer or agency in the executive or judicial branch shall exercise any manner of control over legislative employees with respect to the exercise of their duties or the terms and conditions of their employment.

#### Joint Rule Four—Joint Committees

##### 4.1—Standing Joint Committees

(1) The following standing joint committees are established:

- (a) Administrative Procedures Committee.
- (b) Committee on Public Counsel Oversight.
- (c) Legislative Auditing Committee.

(2) No other joint committee shall exist except as agreed to by the presiding officers or by concurrent resolution approved by the Senate and the House of Representatives.

(3) Appointments to each standing joint committee shall be made or altered and vacancies shall be filled by the Senate and the House of Representatives in accordance with their respective rules. There shall be appointed to each standing joint committee no fewer than five and no more than seven members from each house.

(4)(a) The President of the Senate shall appoint a member of the Senate to serve as the chair, and the Speaker of the House of Representatives shall appoint a member of the House of Representatives to serve as the vice chair, for:

1. The Legislative Auditing Committee and the Committee on Public Counsel Oversight, for the period from the Organization Session until noon on December 1 of the calendar year following the general election.

2. The Administrative Procedures Committee for the period from noon on December 1 of the calendar year following the general election until the next general election.

(b) The Speaker of the House of Representatives shall appoint a member of the House of Representatives to serve as the chair, and the President of the Senate shall appoint a member of the Senate to serve as the vice chair, for:

1. The Legislative Auditing Committee and the Committee on Public Counsel Oversight, for the period from noon on December 1 of the calendar year following the general election until the next general election.

2. The Administrative Procedures Committee for the period from the Organization Session until noon on December 1 of the calendar year following the general election.

(c) A vacancy in an appointed chair or vice chair shall be filled in the same manner as the original appointment.

##### 4.2—Procedures in Joint Committees

The following rules shall govern procedures in joint committees other than conference committees:

(1) A quorum for a joint committee shall be a majority of the appointees of each house. No business of any type may be conducted in the absence of a quorum.

(2)(a) Joint committees shall meet only within the dates, times, and locations authorized by both the President of the Senate and the Speaker of the House of Representatives.

(b) Joint committee meetings shall meet at the call of the chair. In the absence of the chair, the vice chair shall assume the duty to convene and preside over meetings and such other duties as provided by law or joint rule. During a meeting properly convened, the presiding chair may

temporarily assign the duty to preside at that meeting to another joint committee member until the assignment is relinquished or revoked.

(c) Before any joint committee may hold a meeting, a notice of such meeting shall be provided to the Secretary of the Senate and the Clerk of the House of Representatives no later than 4:30 p.m. of the 7th day before the meeting. For purposes of effecting notice to members of the house to which the chair does not belong, notice to the Secretary of the Senate shall be deemed notice to members of the Senate and notice to the Clerk of the House shall be deemed notice to members of the House of Representatives. Noticed meetings may be canceled by the chair with the approval of at least one presiding officer.

(d) If a majority of its members from each house agree, a joint committee may continue a properly noticed meeting after the expiration of the time called for the meeting. However, a joint committee may not meet beyond the time authorized by the presiding officers without special leave granted by both presiding officers.

(3) The presiding officers shall interpret, apply, and enforce rules governing joint committees by agreement when the rule at issue is a joint rule. Unless otherwise determined or overruled by an agreement of the presiding officers, the chair shall determine all questions of order arising in joint committee meetings, but such determinations may be appealed to the committee during the meeting.

(4) Each question, including any appeal of a ruling of the chair, shall be decided by a majority vote of the members of the joint committee of each house present and voting.

##### 4.3—Powers of Joint Committees

(1) A joint committee may exercise the subpoena powers vested by law in a standing committee of the Legislature. A subpoena issued under this rule must be approved and signed by the President of the Senate and the Speaker of the House of Representatives and attested by the Secretary of the Senate and the Clerk of the House.

(2) A joint committee may adopt rules of procedure that do not conflict with the Florida Constitution or any law or joint rule, subject to the joint approval of the President of the Senate and the Speaker of the House of Representatives.

(3) A joint committee may not create subcommittees or workgroups unless authorized by both presiding officers.

##### 4.4—Administration of Joint Committees

(1) Within the monetary limitations of the approved operating budget, the expenses of the members and the salaries and expenses of the staff of each joint committee shall be governed by joint policies adopted under Joint Rule 3.2. Within such operating budget, the chair of each joint committee shall approve all authorized member expenses.

(2) Subject to joint policies adopted under Joint Rule 3.2, the presiding officers shall appoint and remove the staff director and, if needed, a general counsel and any other staff necessary to assist each joint committee. All joint committee staff shall serve at the pleasure of the presiding officers. Upon the initial adoption of these joint rules in a biennium, each joint committee staff director position shall be deemed vacant until an appointment is made.

##### 4.5—Special Powers and Duties of the Legislative Auditing Committee

(1) The Legislative Auditing Committee may direct the Auditor General or the Office of Program Policy Analysis and Government Accountability to conduct an audit, review, or examination of any entity or record described in s. 11.45(2) or (3), Florida Statutes.

(2) The Legislative Auditing Committee may receive requests for audits and reviews from legislators and any audit request, petition for audit, or other matter for investigation directed or referred to it pursuant to general law. The committee may make any appropriate disposition of such requests or referrals and shall, within a reasonable time, report to the requesting party the disposition of any audit request.

(3) The Legislative Auditing Committee may review the performance of the Auditor General and report thereon to the Senate and the House of Representatives.

#### 4.6—Special Powers and Duties of the Administrative Procedures Committee

The Administrative Procedures Committee shall:

(1) Maintain a continuous review of the statutory authority on which each administrative rule is based and, whenever such authority is eliminated or significantly changed by repeal, amendment, holding by a court of last resort, or other factor, advise the agency concerned of the fact.

(2) Maintain a continuous review of administrative rules and identify and request an agency to repeal any rule or any provision of any rule that reiterates or paraphrases any statute or for which the statutory authority has been repealed.

(3) Review administrative rules and advise the agencies concerned of its findings.

(4) Exercise the duties prescribed by chapter 120, Florida Statutes, concerning the adoption and promulgation of rules.

(5) Generally review agency action pursuant to the operation of chapter 120, Florida Statutes, the Administrative Procedure Act.

(6) Report to the President of the Senate and the Speaker of the House of Representatives at least annually, no later than the first week of the regular session, and recommend needed legislation or other appropriate action. Such report shall include the number of objections voted by the committee, the number of suspensions recommended by the committee, the number of administrative determinations filed on the invalidity of a proposed or existing rule, the number of petitions for judicial review filed on the invalidity of a proposed or existing rule, and the outcomes of such actions. Such report shall also include any recommendations provided to the standing committees during the preceding year under subsection (11).

(7) Consult regularly with legislative standing committees that have jurisdiction over the subject areas addressed in agency proposed rules regarding legislative authority for the proposed rules and other matters relating to legislative authority for agency action.

(8) Subject to the approval of the President of the Senate and the Speaker of the House of Representatives, have standing to seek judicial review, on behalf of the Legislature or the citizens of this state, of the validity or invalidity of any administrative rule to which the committee has voted an objection and that has not been withdrawn, modified, repealed, or amended to meet the objection. Judicial review under this subsection may not be initiated until the Governor and the head of the agency making the rule to which the committee has objected have been notified of the committee's proposed action and have been given a reasonable opportunity, not to exceed 60 days, for consultation with the committee. The committee may expend public funds from its appropriation for the purpose of seeking judicial review.

(9) Maintain a continuous review of the administrative rulemaking process, including a review of agency procedure and of complaints based on such agency procedure.

(10) Establish measurement criteria to evaluate whether agencies are complying with the delegation of legislative authority in adopting and implementing rules.

(11) Maintain a continuous review of statutes that authorize agencies to adopt rules and shall make recommendations to the appropriate standing committees of the Senate and the House of Representatives as to the advisability of considering changes to the delegated legislative authority to adopt rules in specific circumstances.

#### 4.7—Special Powers and Duties of the Committee on Public Counsel Oversight

(1) The Committee on Public Counsel Oversight shall appoint a Public Counsel.

(2) The Committee on Public Counsel Oversight may file a complaint with the Commission on Ethics alleging a violation of chapter 350, Florida Statutes, by a current or former public service commissioner, an

employee of the Public Service Commission, or a member of the Public Service Commission Nominating Council.

(3) Notwithstanding Joint Rule 4.4(2), the Committee on Public Counsel Oversight shall not have any permanent staff but shall be served as needed by other legislative staff selected by the President of the Senate and the Speaker of the House of Representatives.

#### Joint Rule Five—Auditor General

##### 5.1—Rulemaking Authority

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

##### 5.2—Budget and Accounting

(1) The Auditor General shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval a proposed budget for the ensuing fiscal year.

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

##### 5.3—Audit Report Distribution

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

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

(3) The Auditor General shall transmit a copy of each audit report to the appropriate substantive and fiscal committees of the Senate and House of Representatives.

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

(5) The Auditor General shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by audit reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

(6) A copy required to be provided under this rule may be provided in an electronic or other digital format if the Auditor General determines that the intended recipient has appropriate resources to review the copy. Copies to members, committees, and offices of the Legislature shall be provided in electronic format as may be provided in joint policies adopted under Joint Rule 3.2.

#### Joint Rule Six—Joint Legislative Budget Commission

##### 6.1—General Responsibilities

(1) The commission, as provided in chapter 216, Florida Statutes, shall receive and review notices of budget and personnel actions taken or proposed to be taken by the executive and judicial branches and shall approve or disapprove such actions.

(2) Through its chair, the commission shall advise the Governor and the Chief Justice of actions or proposed actions that exceed delegated authority or that are contrary to legislative policy and intent.

(3) To the extent possible, the commission shall inform members of the Legislature of budget amendments requested by the executive or judicial branches.

(4) The commission shall consult with the Chief Financial Officer and the Executive Office of the Governor on matters as required by chapter 216, Florida Statutes.

(5) The President of the Senate and the Speaker of the House of Representatives may jointly assign other responsibilities to the commission in addition to those assigned by law.

(6) The commission shall develop policies and procedures necessary to carry out its assigned responsibilities, subject to the joint approval of the President of the Senate and the Speaker of the House of Representatives.

(7) The commission, with the approval of the President of the Senate and the Speaker of the House of Representatives, may appoint subcommittees as necessary to facilitate its work.

#### 6.2—Organizational Structure

(1) The commission is not subject to Joint Rule Four. The commission shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) The commission shall be jointly staffed by the appropriations committees of both houses. The Senate shall provide the lead staff when the chair of the commission is a member of the Senate. The House of Representatives shall provide the lead staff when the chair of the commission is a member of the House of Representatives.

#### 6.3—Notice of Commission Meetings

Not less than 7 days prior to a meeting of the commission, a notice of the meeting, stating the items to be considered, date, time, and place, shall be filed with the Secretary of the Senate when the chair of the commission is a member of the Senate or with the Clerk of the House when the chair of the commission is a member of the House of Representatives.

The Secretary of the Senate or the Clerk of the House shall distribute notice to the Legislature and the public, consistent with the rules and policies of their respective houses.

#### 6.4—Effect of Adoption; Intent

This Joint Rule Six replaces all prior joint rules governing the Joint Legislative Budget Commission and is intended to implement constitutional provisions relating to the Joint Legislative Budget Commission existing as of the date of the rule's adoption.

—was introduced out of order and read by title.

On motion by Senator Thrasher, by two-thirds vote, **SCR 2-Org.** was read the second time in full, adopted and certified to the House.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### RETURNING MESSAGES — FINAL ACTION

The Honorable Don Gaetz, President

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

*Robert L. "Bob" Ward, Clerk*

The bill contained in the foregoing message was ordered enrolled.

## ENROLLING REPORTS

SCR 2-Org. has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on November 20, 2012.

*Debbie Brown, Secretary*

## ADJOURNMENT

On motion by Senator Margolis, the Senate in Organization Session adjourned sine die at 11:51 a.m.