



# Journal of the Senate

ORGANIZATION SESSION

Tuesday, November 22, 1988

**Journal of the Senate for the Organization Session of the Eleventh Legislature to be convened under the Constitution of Florida, as revised in 1968, begun and held at the Capitol in the City of Tallahassee, in the State of Florida, on Tuesday, November 22, 1988, being the day fixed by the Constitution for the purpose.**

## CALL TO ORDER

The Senate was called to order by Joe Brown, Secretary of the Senate, at 10:20 a.m.

The Secretary announced that The Honorable Jim Smith, Secretary of State, had certified to the election of 22 Senators as follows:

STATE OF FLORIDA )

OFFICE OF SECRETARY OF STATE )

I, Jim Smith, Secretary of State of the State of Florida, do hereby certify that the following Members of the State Senate were elected at the General Election held on the 8th day of November, A. D., 1988, as shown by the election returns on file in this office:

## SENATE DISTRICT NUMBER

1	W. D. Childers, Pensacola
3	Vince Bruner, Panama City
5	Sherry D. Walker, Monticello
7	Arnett E. Girardeau, Jacksonville
9	William G. (Bill) Bankhead, Ponte Vedra
11	Richard H. Langley, Clermont
13	Bob Crawford, Winter Haven
15	Toni Jennings, Orlando
17	W. W. (Bud) Gardner, Titusville
19	Curt Kiser, Clearwater
21	John Grant, Tampa
23	Helen Gordon Davis, Tampa
25	Bob Johnson, Sarasota
27	William G. (Doc) Myers, Hobe Sound
29	Peter M. Weinstein, Coral Springs
31	Jim Scott, Ft. Lauderdale
32	Howard C. Forman, Pembroke Pines
33	Roberto Casas, Hialeah
35	Jack D. Gordon, Miami Beach
37	Gwen Margolis, North Miami Beach
39	Lawrence H. (Larry) Plummer, Miami
40	Javier Souto, Miami

GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this 22nd day of November, A. D., 1988.

Jim Smith  
SECRETARY OF STATE



The oath of office was administered by The Honorable Stephen H. Grimes, Justice, Florida Supreme Court, to the recently elected Senators.

The roll of the Senate, as then constituted—by the 22 newly elected members and 18 holdover members—was called by the Secretary in

alphabetical order and the following members of the Senate were recorded present:

Bankhead	Deratany	Kiser	Scott
Beard	Dudley	Langley	Souto
Brown	Forman	Malchon	Stuart
Bruner	Gardner	Margolis	Thomas
Casas	Girardeau	McPherson	Thurman
Childers, D.	Gordon	Meek	Walker
Childers, W. D.	Grant	Myers	Weinstein
Crawford	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson
Davis	Kirkpatrick	Ros-Lehtinen	

A quorum present—39.

Excused: Senator Grizzle

## PRAYER

The following prayer was offered by The Reverend Dr. Robert M. McMillan, Pastor Emeritus, First Baptist Church, Tallahassee:

Eternal God, our heavenly Father, we pause in reverence before your presence and with faith in your everlasting love and concern for your creation and your creatures.

We recognize that you are sovereign over all including the governments of your people. These before you this day inaugurate a new Senate with all of the awesome responsibility that falls upon them for the well-being of the citizens of our beloved state. We, therefore, on this important day commit them to your will and direction in the laws that they shall enact.

Grant to these, your servants, wisdom greater than they know, courage greater than they have exercised, and determination that surpasses trivial criticisms.

We seek your grace upon their families who sacrifice so much during the days of the session. May they also be aware that this is more than politics and power but God's plan for society. These too are partners in the process of government.

So do we commit the President of this body and each Senator to your care and direction. In faith we pray. Amen.

## PLEDGE

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

## Certificate Received

The Secretary announced that the Minority (Republican) Party had certified the names of Senator William G. "Doc" Myers, as Minority (Republican) Leader; Senator Mary Grizzle, as Minority (Republican) Leader Pro Tempore; and Senators Tim Deratany and Bob Johnson, as Minority (Republican) Floor Leaders for the term November, 1988 to November, 1990.

## Introduction of Former Presidents

The Secretary announced that in addition to former Senate Presidents W. D. Childers and Curtis Peterson, who are still serving in the Senate, the Senate was honored by the presence of former Presidents Mallory Horne and Randolph Hodges who was accompanied by his wife, Mildred.

## ORGANIZATION

The Senate proceeded to the organization of the Body.

### Election of President

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

The Secretary recognized Senator Peterson who placed in nomination the name of Senator Robert B. "Bob" Crawford of the 13th Senatorial District.

**Senator Peterson:** Mr. Secretary, Senators, families, friends, people of Florida, it is my great honor to nominate the Senator from the 13th District, Robert B. Crawford, to be the President of the Florida Senate. It is an honor for me as a member of his delegation and from District 12 to be able to make this nomination. I nominate him to be the 68th President of the Florida Senate.

Senator Bob Crawford is a native of Florida, a native of Imperial Polk County in Florida. He was born in Bartow, the county seat, January 26, 1948.

A very special member of the Senate family also is Nancy Crawford. She is an important reason for what is happening here today, because she is the other member of the team.

We all know Senator Crawford's talent in debate and in other matters on this floor. Debate was one of his major activities at his Alma Mater, the University of Miami.

Like me and any other legislator from Polk County, Senator Crawford has as a first priority, agriculture. You must have that priority if you want to get elected from Polk County. And the people there must believe that is your first priority. The Senator from the 13th District has that talent, that priority, and many other remarkable talents as well.

He served in the House of Representatives from 1976 and was a major influence there, as chairman of the Criminal Justice Committee, and in many other matters. Here in the Senate we have seen his works in corrections, natural resources, and finance and taxation during some very troubled and complex times. During the 1988 Session he was a major negotiator in the budget conference.

Senator Crawford has learned the art of politics well. He learned it from present and former members of this body. He also is carrying on the tradition of Imperial Polk County—state and national leadership constantly and continuously have come from that county for the past 80 years—beginning with Senator Park M. Trammell, Senate President in 1905, later Governor in 1913 and U.S. Senator until 1936; to Herbert J. Drane who was Senate President in 1913, and was a Congressman until 1932 when my Uncle J. Hardin Peterson beat him. Spessard Holland was our State Senator until 1939, then Governor, then U.S. Senator until 1971. Then Lawton Chiles, who left the State Senate as Chairman of Ways and Means, the committee that did everything in those days, began his service as U.S. Senator in 1970 and served until this year. I am also from Polk County and I served out the remaining time of Lawton Chiles' State Senate term when I was elected—and was President four years ago. I have to mention John Vogt, our immediate past beloved President because he was also from Polk County. Senator Langley is also from Polk County and is still with us. So, there is a rich legacy of Florida history here today.

I want to reach back further than that to read just a little of an inaugural address that was delivered a few years more than that ago. The first sentence in that inaugural address was: "Every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle."

That inaugural address was given in 1801 by a gentleman who walked out of his boarding house wearing a cloth suit, climbed on his horse without a servant or guard, rode to the Capitol, dismounted and hitched his horse and climbed up the Senate steps to take the oath of office.

He said this, "Still one thing more, fellow citizens—a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and is necessary to close the circle of our felicities."

Thus spoke Thomas Jefferson, our third President.

We should remember this, but we must now think of today and the future of Florida. Senators, it will be in good hands. We have another strong leader facing many and complex problems. As I was telling President Horne this morning, I never had a president I didn't like, and we already like Bob Crawford. Now we have the opportunity to serve and to deal with the problems of Florida with a man who will lead us well.

In closing, just a few words of Ralph Waldo Emerson because they are very appropriate: "If there is any period one would desire to be born in . . . this time, like all times is a very good one, if we but know what to do with it."

The Secretary recognized Senator McPherson who seconded the nomination of Senator Crawford.

**Senator McPherson:** Mr. Secretary, Senators, guests, former Presidents, when Bob Crawford called me and asked me if I would second his nomination, I was indeed honored and proud but thought, "What will I say?" I thought that until this very moment, actually. I have never written a speech in my entire life. I have given many, some good and some not so good.

I thought that I would just speak about my experiences in dealing with Senator Crawford since he arrived in the House. I arrived in the House somewhat earlier than he did, but I was there when he came. He made an impression that was indelible on the House. Everybody respected him.

We moved to the Senate in the same year, 1982, and as all you Senators know, we respect him greatly.

He said to me, "Be truthful and say good things." And I said to him, "That might be a contradiction in terms." But that's not really true. I was trying to think of something humorous we might say in a seconding speech, but it's hard to do that with Senator Crawford. Not because he is not a warm, humorous, kind individual, but because when you are around him, you sense a purpose. He has a sense of purpose, a sense of destiny, a sense of leadership. And those are the things that inspire us. Those are the reasons that when he approached me many months ago, and asked if I would help him and I said, yes, immediately; because he is the person to be President, and he will be a real President.

I think every Senator in this room knows and feels like I do about the kind of leadership that he is going to give us. He is going to have a program for the State of Florida, a platform based on his experience and his knowledge.

Senator Peterson said that he was resourceful and respected by agricultural interests. I know that he is that also, but I respect him for his respect for the environment and conservation. He truly represents all the needs of Florida.

I am glad to count him a friend, as well as his wife, Nancy. They are going to be our first couple in the Senate. And I know all of us will really enjoy this privilege of service under his leadership. So I am happy to second the nomination of Robert Crawford.

The Secretary recognized Senator Myers who further seconded the nomination of Senator Crawford.

**Senator Myers:** I am very honored and privileged, as Senate Republican Leader, to second the nomination of Bob Crawford as the 68th Senate President for the sessions of 1989-90.

What is a Bob Crawford? Let me give you just some of my observations, over a ten year period, since I arrived in the House in 1978—which was two years later than Senator Crawford arrived. I immediately noticed that young man, totally immersed in the chairmanship of the Criminal Justice Committee. And in 1978, as now, this was a critical area because crime was on the rise at that particular time. I was impressed with this young man because of his depth of knowledge and his dedication to the job at hand.

We then both arrived in the Senate in 1982. I had an opportunity to work with him on clarification of child pornography laws in the Criminal Justice Committee and, again, there was that knowledge and that intensity that this young man had.

Then we went to Finance and Tax, and there I found someone as the chairman of that committee who showed such fairness, the ability to listen, the ability to reason, and yet tough enough to bring order out of chaos.

Not only did I learn about the alternative fuels such as ethynol, but got an in-depth look at the business and the foreign trade aspects of corn produced ethynol, and many, many other complex tax factors. I remember that as being one of the most enjoyable and knowledge-gaining aspects of my Senate career. And that was due to Bob Crawford.

Then I watched him in conference committee, as its chairman. He was a salient factor in the consensus with the House on many of these taxing matters, and protecting the Senate position in all ways. If you move on to our experiences on Natural Resources, you again find a knowledgeable, common sense approach to the many problems of our natural environment and again you find someone that can lead that conference committee to a good, final report on what we had to do with wetlands and many of our beach and water problems.

I also remember that he was slow to anger. The only time that I ever saw him angry was when he had a particular bill on this floor, and I was trying to help him out with the vote. Suddenly, because of a medical problem in the Capitol, I got called off the floor and missed the vote. He said, "I lost my bill because of you." But then he said he understood and all was forgiven.

So, what is a Bob Crawford—a knowledgeable man, an expert on so many issues with the ability to listen; a leader who can be tough but who also is not harsh; a compassionate family man with a wonderful family; and, finally, a man who has kept his word and who has gained everybody's respect. And that's the thing we value most in this Senate—respect.

I gladly second the nomination of Bob Crawford as Senate President.

The Secretary recognized Senator Scott who further seconded the nomination of Senator Crawford.

**Senator Scott:** Mr. President and Senators, I'm honored and privileged to further second the nomination of my friend Senator Robert Crawford as President of the Senate, and I move that nominations now be closed.

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

The roll was called on the election of the President and each Senator voted in the affirmative by saying "Bob Crawford". The vote was:

Yeas—38

Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson
Davis	Kirkpatrick	Ros-Lehtinen	
Deratany	Kiser	Scott	

Nays—None

Senator Robert B. "Bob" Crawford was unanimously elected President of the Senate.

On motion by Senator Langley that a committee be appointed to escort Senator Crawford to the bar of the Senate and then to the rostrum, the Secretary appointed Senators Malchon, Meek, Weinstock and Jennings. Senator Crawford was escorted to the bar of the Senate where the oath of office was administered to him by The Honorable Stephen H. Grimes, Justice, Florida Supreme Court, and then to the rostrum where he was seated.

On motion by Senator Crenshaw that a committee be appointed to escort Mrs. Nancy Crawford, wife of the President, to the rostrum, the Secretary appointed Senators Deratany, Stuart, Grant and Kirkpatrick. Mrs. Crawford was escorted to the rostrum where she was received by the Secretary, presented to the Senate and seated beside the President.

The Secretary presented the gavel to the President.

### The President Presiding

The President introduced members of his family and guests as follows: wife Nancy, daughter Kristin, son Bobby; mother Lucy Crawford, father-in-law and mother-in-law, Tom and Marilyn Caswall, sister Candy Craw-

ford, sister-in-law Barbara Swiger, sister-in-law Patti and her husband Tim Delph; brothers-in-law, Tim and Mike Caswall, nephew Tom Roulerson and his wife Trice; friends, Analda Coleman, Justice and Faye Grimes, Barbara and W. J. Durrance, Vicki and Larry Barnes, Sharky and May Baz, Guy Bostick, Charles Bryan, Larry Ford, Ben Hill Griffin, Jr., Jennifer and Gary Joyner, Herb and Betty Key, John Laurent, Bobby McKown, Sherry and Webb Rice, Judy and Joe Ruthven, Jim and Bobbi Stalnaker, Herb Stewart, Ann Wainwright, Mason and Nancy Wines; and staff, Craig and Karen Meyer, Karen and Paiden Copley, Wayne and Renee Watters, Treasa McLean, Bill Peeples, Tom Haslett and Wendy Donahoe.

### Election of President Pro Tempore

The President announced that nominations would now be received for President Pro Tempore for a term of two years, and recognized Senator W. D. Childers who placed in nomination the name of Senator Arnett E. Girardeau of the 7th Senatorial District.

**Senator W. D. Childers:** Mr. President, Senators, it's indeed an honor for me to nominate Senator Arnett E. Girardeau for President Pro Tempore of the Florida Senate.

Yesterday, Mr. President, you selected Senator Girardeau, and we were all informed that he would play an important role in your administration.

We all know him for his ability, for his dedication and for his legislative experience and service. We know him for his accomplishments and there are too many to enumerate. Read the Senate Handbook and you will see why.

We know him for his willingness to help us and others. We know him as a friend who will help us in our district or will help anyone, anywhere in this state, this country and even abroad, because he often travels to foreign countries on behalf of the State of Florida.

Senator Girardeau will give strength to President Crawford's administration, Senators, and he will be a real friend to all of us.

Mr. President, Senators, it's indeed a great honor for me to nominate Senator Arnett E. Girardeau for President Pro Tempore of the Florida Senate.

The President recognized Senator Meek who seconded the nomination of Senator Girardeau.

**Senator Meek:** Mr. President, former Presidents of this glorious Senate, my co-workers in the Florida Senate, and Floridians everywhere, this is a most momentous occasion, that's why I wanted to come to the well. I wanted to come to the well because Arnett Girardeau's name is now in nomination for President Pro Tem of the Florida Senate.

President Crawford, you are to be admired, and also recognized, for your courage in appointing a man who has wrought history, not only in Florida, but throughout this nation.

If you are looking for leadership, you have that. His record is well documented in the Florida Senate and in the Florida House. I remember Arnett Girardeau when I first came to the Legislature in 1979. He was the man who said to me that, "This is a place where color is not known, but you will be judged on your ability." And I watched him and he guided me and he coached me. And he did that for everyone who wanted to listen.

This is not Arnett's first taste of leadership. He was at that time, chairman of the House Corrections, Probation and Parole Committee. And I want to tell you, fellow Senators, he did an outstanding job.

He is a man of courage, he's a man of strength, he's a family man. He stood up even when the Judiciary said he shouldn't stand. This man does not fall easily. He stands tall and proud and he makes us all very, very proud.

His beautiful wife, Carolyn, and his daughter, Arnetta, and his son, Arnett, already have a role model to follow. Arnett has made a niche in the Florida's legislature, transportation, commerce, and business.

I will never forget the day we stood and fought a fight on the floor of this Senate for the Minority Business Enterprise Act. That will always be embellished in my memory. He did not yield, he did not get emotional, he stood tall. As Martin Luther King said, he knew that he was in a stride toward freedom and he strode there. And he stood very tall. To remember Arnett makes me remember some of the words of Langston Hughes. He

is our *Native Son*. It also makes me remember the words of James Baldwin. He is a "Manchild in a Promised Land." And this is a promised land—America, freedom for all; giving a man who deserves the opportunity a chance for leadership.

So, members of this Senate, it has been said that all power is a compound of time and patience. Arnett has time, he has patience. He is an extremely bright man, and very, very tolerant of others. It has also been said, "The highest praise for a man is to give him responsibility". Mr. President, members of the Senate, and all Floridians everywhere, you have done yourself justly proud by naming Arnett Girardeau as the President Pro Tem of the Florida Senate.

To Arnett, in the words of Mary McLeod Bethune, "You gave to the world the best you have and the best has come back to you".

The President recognized Senator Margolis who further seconded the nomination of Senator Girardeau.

**Senator Margolis:** Thank you, Mr. President. I, too, take great pleasure and great pride in seconding the nomination of Arnett Girardeau. I believe that Arnett is very mindful of his responsibility as a role model to many people in the State of Florida. Arnett has incredible legislative skills, but I think what you think most about and know most about Arnett is that he's a willing listener, and before he makes his mind up he talks to many senators, he knows the senators have an awful lot to offer, and then, after lots of deliberation, he'll make his mind up on any subject, without pressure.

In his legislative life he's had lots of setbacks, but he's also had lots of victories. This is a goal that he has wanted to reach for a long time, and I think this is one of his better legislative victories.

It's really my great pleasure to second his nomination and move that we close nominations for President Pro Tem; and say, "Arnett Girardeau is going to be a great President Pro Tempore of the Florida Senate."

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

The roll was called on the election of the President Pro Tempore and each Senator voted in the affirmative by saying "Arnett Girardeau". The vote was:

Yeas—38

Mr. President	Deratany	Langley	Souto
Bankhead	Dudley	Malchon	Stuart
Beard	Forman	Margolis	Thomas
Brown	Gardner	McPherson	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, D.	Jennings	Peterson	Weinstock
Childers, W. D.	Johnson	Plummer	Woodson
Crenshaw	Kirkpatrick	Ros-Lehtinen	
Davis	Kiser	Scott	

Nays—None

On motion by Senator Souto that a committee be appointed to escort Senator Girardeau to the bar of the Senate and to the rostrum, the President appointed Senators Meek, Margolis, W. D. Childers and Souto. Senator Girardeau was escorted to the bar of the Senate where the oath of office was administered to him by The Honorable Stephen H. Grimes, Justice, Florida Supreme Court, and then to the rostrum where he was seated.

On motion by Senator Brown that a committee be appointed to escort Mrs. Carolyn Girardeau, wife of the President Pro Tempore, to the rostrum, the President appointed Senators Thurman, Thomas, Stuart and Brown. Mrs. Girardeau was escorted to the rostrum where she was received by the President and seated beside the President Pro Tempore.

The President presented the President Pro Tempore to the Senate.

The President Pro Tempore introduced members of his family and guests as follows: wife, Carolyn, daughter, Arnetta, son, Arnett, Jr., brother, Emmett Girardeau, sister, Elizabeth Inez Nesbitt; friends, Mrs. Mamie Grant, Courtney Christian, Irma Walters, Paula Wright; and staff, Lena Walters, Milessa Nesbitt and Marva Donald.

The President Pro Tempore addressed the Senate as follows:

**Senator Girardeau:** Mr. President, former officers of the Senate, fellow senators, staff of the Senate, your families, and visitors in the gallery, I am probably the most humble person in this chamber today. I am proud and humble because of the forty senators assembled here. I am the one who would least likely stand before you and be honored in this manner.

As I began my elected office 12 years ago, one well-wisher indicated that "on to the Senate" was next. I admonished her that in the State of Florida that is not only unlikely, but also totally impossible. Little did I realize then that destiny had taken a hand in my future and that within less than six years, my state would open a door that would give me the opportunity of full participation in our legislative system.

I am truly grateful. I am proud to be a Floridian.

As I have served you in the Senate of this great state, I have come to admire, respect and love those of you with whom I work. I ask you to continue to support me as you have in the past.

I am grateful to President Crawford, and to you, the other members of this Senate, for honoring me as your Senate President Pro Tempore for the upcoming term. I accept the President's charge to guide the development of the state's policy and program to assist in curbing the presence and use of drugs in our state. I ask you all in the Senate and agencies, both private and public, to work with me in an effort to do something meaningful for this state.

Again, let me thank you for allowing me to serve, and more importantly, to be your Senate President Pro Tempore.

#### Election of the Secretary

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

**Senator Thurman:** Mr. President, I rise to nominate Joe Brown for Secretary of the Senate. Senators, former members and presidents, and ladies and gentlemen in the gallery, as you have noticed today, we couldn't have even started this morning without our beloved Joe Brown. He has taken control of this Senate on many mornings like this since 1974.

For all of us who have been here and have watched Joe, we have found him to be a strength for us, and a friend. For those of you who have come from the House, you have had a Clerk over there, but let me tell you, "You ain't seen nothing yet". And for the new members of the Senate, let me tell you, you will never find a better person to go to when you need help. Because he is the kind of person that will write it out for you. He will sit down with your staff, he will make sure that you look as good as you can. That's the kind of person we have as our Secretary.

Joe came into my office yesterday to talk about this nomination speech. The first thing he said to me was, "Keep it short and sweet". So it is with pleasure that I place his name in nomination.

The President recognized Senator Deratany who seconded the nomination of Joe Brown.

**Senator Deratany:** I second the nomination of Joe Brown as Secretary of the Senate.

We've all heard about how he has been the President or Chairman of all the national legislative organizations—like NCSL and the Society of Legislative Clerks and Secretaries. He and 11 other clerks and secretaries from across the country have just completed the revision of Mason's Manual of Legislative Procedures for the NCSL, but did you know this is the ninth time Joe Brown has been nominated as Secretary of the Senate.

He has been the Secretary longer than most of us have been senators, and was serving in Florida's state government when our youngest senator, Sherry Walker, was born.

So, it is my pleasure to second the nomination, and move that nominations cease.

By unanimous vote of the membership, Joe Brown was elected Secretary. The Honorable Stephen H. Grimes, Justice, Florida Supreme Court, administered the oath of office to Mr. Brown.

### Election of the Sergeant at Arms

The President announced that nominations would now be received for Sergeant at Arms of the Senate for a term of two years and recognized Senator Weinstein who placed in nomination the name of Wayne Todd.

**Senator Weinstein:** Thank you Mr. President and members of the Senate. It is my great pleasure and honor to place in nomination the name of Wayne W. Todd, Jr. as Sergeant at Arms of the Florida Senate.

Sergeant Todd, Wayne, as we affectionally call him, is a graduate of Florida State University. He is a past president of the National Legislative Services and Security Association. He serves on the Executive Committee of the National Conference of State Legislatures and he is a graduate of the U. S. Marshal's Training Academy.

But, more importantly, Wayne Todd has become a friend to every member of this Senate and he is responsible for so much about this Senate—the physical administration of the building, the facilities we enjoy; the demeanor of the building; the wonderful staff that he has created that serves each member of the Senate both while we are in session and when we come here for interim committee meetings.

He has created a wonderful environment to work in, to enjoy. He is respectful and responsible to members of this great legislative body. And I think that Wayne has done a wonderful job for us.

But, most important of all, is the fact that Wayne Todd has been a very dear friend to each and every member of this Senate. He has been an effective and efficient officer of this Senate, and I deem it a deep personal honor and privilege to place in nomination the name of my very dear friend, Wayne W. Todd, Jr., as Sergeant at Arms of the Florida Senate.

The President recognized Senator Beard who seconded the nomination of Wayne Todd.

**Senator Beard:** Mr. President, Senators, I'm delighted to have this opportunity to second the nomination of Wayne Todd, Jr. to be the Sergeant at Arms of the Florida Senate.

Wayne is dedicated, enthusiastically dedicated, to this job. He serves this Senate well. All of us who have had many occasions to call on him, have found him responsive, we have found him willing, pleasantly willing, to serve.

And I would suggest to you new members of this Senate, that you get acquainted with your Sergeant at Arms, and go by his office and visit with him and see the people that work there and see the attitude that is in that office—pleasant people you'll see. He has surrounded himself with dedicated people, willing to serve as he is. And as Senator Weinstein said, he has prepared himself for this job. He has served on national boards, he served as a national president. He did us proud by serving in those capacities. It is with great honor that I second the nomination for Wayne Todd.

On motion by Senator Beard nominations for Sergeant at Arms were closed.

By unanimous vote of the membership, Wayne Todd was elected Sergeant at Arms. The Honorable Stephen H. Grimes, Justice, Florida Supreme Court, administered the oath of office to Mr. Todd.

### Committees Appointed

On motion by Senator Woodson 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 Bankhead, Casas, Davis, Bruner, Gardner, Ros-Lehtinen and Plummer. The committee was excused to perform its duty.

On motion by Senator Dudley that a committee be appointed to notify the Governor that the Senate was convened for the purpose of organization, the President appointed Senators Dudley, Kiser, Walker, Gordon, D. Childers and Forman. The committee was excused to perform its duty.

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

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

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

### The President's Address

This is a great moment for me and an exciting time for all of us to be at the helm of the greatest and most dynamic state in the nation.

I am humbled by the honor of being chosen to lead this distinguished body into the last decade of the 20th century. And as I look at all of you and see the face of the new Senate begin to take shape, I am struck by the promise that is within us and the challenge that is before us.

We, the 40 men and women in this room, the Florida Senate, have been chosen to represent the interests of more than 12 million Floridians.

We have been *entrusted* with the power to decide—and *burdened* with the responsibility to decide.

The election of an individual to public office—the graduation of five of our new members from the House to the Senate—my election as Senate President—each of these represents a transfer of power from the many to the few.

But the power we exercise in this chamber is not intrinsically ours.

It belongs to the people who elected us—and it is ours to use only as long as we serve the will of the people and contribute to the greater good.

Benjamin Disraeli once said that all power is a trust—that we are accountable for its exercise—that from the people and for the people all power springs and all must exist.

The needs of this state and its people are changing.

The composition of Florida's population and Florida's electorate is changing. We must use the power we have been granted—the power to decide—to make certain that the Florida we become is greater than the Florida we leave behind.

If growth overtakes the quality of life, then we've lost more than we could hope to gain.

A bigger Florida may be inevitable, but it is the charge of this body to strive to achieve a better Florida.

That charge challenges the very mission of the Florida Senate—it will take no less than a rededication of this chamber and its members.

To meet the demands of a changing state, we must change. I envision a new Senate—a Senate more suited to meet these demands, both in structure and in disposition.

The basic structure of this body has been unchanged since 1968.

But the state we govern has changed dramatically since then.

Our population has more than doubled—our public school system has grown by 400 new schools to serve more than 300,000 new students—the number of students seeking an education in our state university system has nearly tripled—and the ranks of our labor force have swelled to include close to six million men and women.

Our current committee system has served the Senate well for twenty years.

With the changes I will outline for you today, I am confident it will serve us well into the next century.

Today I am announcing the creation of some new committees that I believe will promote the passage of responsible legislation in areas of crucial importance to this state.

The first is an area of concern that has, without question, produced most of the legislative fires that we've worked to put out in recent years—insurance.

Insurance has dominated recent legislative attention—from the medical malpractice debates of 1985 and 1987 to the commercial liability crisis of 1986—to the auto insurance reforms of 1988.

Insurance is a staple for our families and businesses—we depend on it to pay our health care bills, to provide for our families if we die or become disabled, to repair our cars, and protect us from liability.

So when we can't buy it or can't afford it, we find ourselves in crisis.

And judging from the magnitude of a recent workers' compensation rate increase, insurance will be back on the table for legislative consideration in 1989.

I think it's time the Florida Senate had a committee dedicated to considering legislation in this area of critical public concern—a committee that would not only respond to crisis, but help to avoid it.

Next, we'll be creating a Committee on Regulated Industries.

Reforms of regulated industries have overwhelmed the agenda of the Commerce Committee in recent years, slowing down the legislative process.

They have impeded the ability of the Commerce Committee to deal with other serious business issues, such as the lottery.

That is why I will be shifting the responsibility of the select committee on the lottery back to the Commerce Committee.

Also we will establish a Committee on Higher Education.

For the past 20 years all education reforms, all legislation governing our schools—from kindergarten through graduate school—have been the primary responsibility of a single committee.

If we as a state are going to compete successfully for high tech industries looking for a spot in the Sunbelt, we must build a postsecondary education system that is second to none.

The Legislature must be an advocate in this process.

In the Senate, it will be the mission of the Committee on Higher Education to mold reforms capable of rendering our state university system world class.

A Committee on Community Affairs is the next critical area of importance.

As local governments finalize and submit their comprehensive growth management plans this year, coordination between state and local government will be essential.

This committee will have primary responsibility for issues of growth management and will help us move legislatively toward our goal of making growth pay for growth.

This change will facilitate a reorganization of the ECCA Committee. The new name of ECCA will be the Committee on Economic, Professional and Utility Regulation. The jurisdiction of this important new committee will cover:

1. Economic issues.
2. Regulation over the 28 professions.
3. Regulation of utilities and Public Service Commission issues.

The sunset of the Public Service Commission will be at the center of this committee's attention over the next two years. I consider this matter to be one of the hottest and most serious issues we will face during my term as president. The chair of this committee and its members will need the cooperation and support of all of us.

I feel the recent elections at all levels—national, state and local—illustrated a strong need. That is why there will be a Committee on Ethics and Elections created to fill this need.

This year proved beyond a doubt that our system of electing public officials has grown too expensive, too negative and too shallow.

It will be the mission of this new committee to consider and develop reforms that would give the campaigns back to the candidates and the offices we seek back to the people who vote to put us there.

This committee will also have responsibility for matters related to government conduct and open meetings.

As I announced earlier, I intend to use this session to test the application of the Sunshine Law to meetings of the Senate.

We should have a rule in place and implemented by the start of the upcoming legislative session—and when we're satisfied with it, we'll take it to the people in 1990 for permanent placement in our Constitution.

Finally, I will establish a majority office in the Senate.

As you know, the President's office previously assisted the majority party—but I believe that office is too occupied with the overall administration of this chamber to truly meet the needs of majority party members.

All of these changes will redirect and, I hope, improve this body's ability to properly consider and act on the issues that will shape Florida's future over the next few years.

But it's not enough to change the Senate's structure alone.

If we don't challenge the way we think about our work here—if we aren't willing to change as individuals, we will never meet the challenge of Florida's evolving needs.

We represent a state of burgeoning needs and limited resources.

Senators, we face a day of reckoning.

This year we will construct a budget with some of the most severe funding restrictions that this state has faced in some time.

To simply continue last year's level of services, we would need a revenue growth of 12 percent.

Yet we will have an increase of only 8½ percent or a shortfall of \$735 million. This figure is staggering especially when you consider that—

We have a prison system that is already filled to capacity—one that we'll have to stretch by at least 30,000 new beds to accommodate the tougher new sentencing guidelines that are already in place.

If we fail to make room for those new prisoners through some acceptable means, we'll have no legal choice but to shorten prison sentences.

By one projection, sentences will be sliced in half if we fail to make room for the growth.

Certainly, this session will put us to the test.

We will be challenged to make dollars stretch further than before, while at the same time maintaining fundamental services for our citizens.

This can only be done by putting the budgets of every agency and every program on the table in the harsh light of public scrutiny and asking ourselves, "Can we afford this?"

Everything we fund has value to someone.

But does it have sufficient value?

Will it serve enough people?

Does it fill a basic need?

Does it qualify as a priority?

This is what we must ask ourselves.

There is no room for third- and fourth-tier priorities.

There is no room for parochial budget wars.

There is no room for excess because we must *make* room for the basic demands of our citizens.

We must *make* room in this budget for our children and their needs—both in the classroom and out.

We must *make* room for the needs of our law enforcement officers so that they can make our streets safe for all of us.

We must *make* room for our environmental imperatives so that we preserve the best of Florida for the generations that will follow us.

We must consciously and knowingly set our priorities so that our limited dollars are spent wisely.

And at the heart of our priorities are these:

Education. You've heard of the guided missile?

I want 1989 to be the year of the guided dollar.

I want 1989 to be the year that we succeed in shepherding the lion's share of the dollars we spend on education into the classroom.

If dollars are tight, then let's make sure they reach the people this system was created to serve—our children.

And we can't do it alone.

We need the participation of local government—and that means giving local governments more funding options.

Secondly, in the area of environment.

The protection and enhancement of our marine fisheries should be a priority of every Floridian, every sportsman, every individual who loves the wild places that make Florida such an uncommon place to live.

But growth is impeding the ability of our bays and estuaries to continue to serve as a cradle for marine life.

We must commit new dollars to preserve our state's most fundamental and precious natural asset.

It is past time that we institute a saltwater fishing license for this purpose.

But the money such a license generates should not substitute current funding.

We must use those scarce dollars to enhance our marine fisheries—to give something back to the sportsmen who provide the funding.

And third, in the area of crime.

I wish crime prevention and punishment did not demand a place near the top of our priority list again this year—but it must.

The scourge of illegal drug use continues to plague our families, our streets and our schools.

We must maintain our commitment to law enforcement, and we must dedicate the dollars necessary to reduce demand for illegal drugs.

Our education programs are making a dent in the drug epidemic—but this education must be available to more Floridians and targeted to reach those at highest risk.

These are some of my most important priorities.

I will look to each of you to work with me as we begin the difficult process of deciding what must stay and what must go.

That's what I mean when I say that this body, this Senate, must change, not only in structure but in disposition.

We must become an activist Senate.

At this stage in our state's history we cannot afford to simply react to what is laid out at our door by the Governor, by the House or by the agencies of government.

We don't have that luxury.

The state that we represent demands more.

Some of the agencies in state government develop their budgets based on priorities that are 15 or 20 years old.

We need to take a fresh look at those budgets in light of current priorities, and that's what I'll be calling upon each of the Appropriations Committee members to do, and all members of this body.

Today is the anniversary of one of the most tragic days in our collective history—25 years ago today one of our nation's most inspirational and visionary leaders was killed by an assassin's bullet—the late President John Fitzgerald Kennedy.

President Kennedy, in his inaugural speech, said:

"Of those to whom much is given, much is required. And when at some future date, the high court of history sits in judgment on each of us—our success or failure, in whatever office we hold, will be measured by the answers to these questions."

"Were we truly men and women of courage?—of judgment—of integrity—of dedication?"

He continued by saying:

"And all this will not be finished in the first one hundred days."

"Nor will it be finished in the first one thousand days, nor in the life of this administration, nor even perhaps in our lifetime on the planet."

"But let us begin."

Much *has* been given to us—and much is expected in return.

Never has a generation of this body, this Senate, had more to do—more to decide—more challenges on which to cut its teeth and prove its worth.

It is more than we can finish in my term as President—more perhaps than we will finish in our whole careers.

But, in the words of our late President—let us begin.

## Motions

On motion by Senator Johnson, the foregoing address by the President, the remarks by the President Pro Tempore and all nominating and seconding speeches for President, President Pro Tempore and other officers of the Senate, were ordered printed in the Journal.

On motion by Senator Scott, the Rules of the 1987 regular session, with amendments as indicated, were adopted to govern the Senate for the ensuing two years.

## RULES OF THE SENATE

### RULE ONE

#### OFFICERS, SENATORS, EMPLOYEES, AND ETHICS

##### PART ONE—OFFICERS OF THE SENATE

#### 1.1—Election of the President, President Pro Tempore, Minority Leader, and Minority Leader Pro Tempore

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

#### 1.2—Calling the Senate to order

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

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

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

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

The President shall sign all acts, joint resolutions, resolutions, and memorials. No writ, warrant, subpoena, or authorization for payment or other papers shall issue without the signature of the President. The President shall approve vouchers. He shall decide all questions of order, subject to an appeal by any Senator. As necessary, the President is authorized to incur travel and per diem expenses for the next session of the legislature. The President of the Senate and the Chairman of the Committee on Rules and Calendar shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred in transacting the financial business of the Senate as authorized.



**1.5—Appointment of committees**

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

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

**1.6—The President's vote**

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

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

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

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

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

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

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

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

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

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

In the absence of the President and the President Pro Tempore of the preceding session, the Secretary shall, at the organization session of the legislature, call the Senate to order. Pending the election of a President or a President Pro Tempore, the Secretary shall preserve order and decorum, and decide all questions of order subject to appeal by any Senator. The duties prescribed by this section may be delegated by the Secretary to any Senator.

**1.10—Duties generally; keeps Journal**

The Secretary shall keep a correct daily Journal of the proceedings of the Senate, and this Journal shall be numbered serially from the first day of each session of the legislature and shall be distributed by the Secretary for the information of the legislature and the public. He shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. He shall not permit any records or papers belonging to the Senate to be removed from his custody other than in the regular course of business and with proper receipt. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.

**1.11—Prepares daily calendar**

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

**1.12—Reads papers; calls roll**

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

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

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

**1.14—Prepares printed forms**

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

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

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

**1.16—Indexes bills**

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

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

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

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

The Secretary shall receive all messages from the House of Representatives and shall be responsible for their security. He shall have them available for reading to the Senate during the appropriate order of business. All messages reflecting House amendments to Senate bills shall be promptly delivered to the Senate Legal Research and Drafting Services where they may be held a maximum of two days for research and summary. Special notice of the summaries shall be given to each Senator.

The Secretary shall advise the President when a House amendment to a Senate bill substantially changes or materially alters the bill as passed by the Senate. The President may refer such bill and House amendments to an appropriate committee or committees for hearing and further report to the Senate. Upon such reference by the President, committee or committees of reference shall meet on a date and at a time set by the President and shall make a report as defined in Rule 2.15. Favorable committee reports and accompanying measures shall be placed on the calendar.

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

A Sergeant at Arms of the Senate shall be elected for a period of two (2) years, pursuant to the provisions of section 11.15, Florida Statutes. The Sergeant at Arms shall be under the supervision of the President. He shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office.

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

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

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



**1.21—Excused absence**

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

**1.22—Senate papers left with Secretary**

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

**1.23—Members deemed present unless excused**

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

**1.24—Contested seat**

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

**1.25—Facilities for members**

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

**1.26—Nonlegislative activities**

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

**1.27—Transition from office**

A Senator who will not be a Senator at the next ensuing regular session of the legislature because of failure to be reelected at the polls shall be entitled to a two-week amicable transition period in which to close out the affairs of his office. The transition period shall begin at the expiration of a Senator's term. A former Senator shall not be entitled to salary during the transition period, but shall receive a pro rata portion of the monthly allowance for office rental and expenses during such period. A former Senator's staff shall be entitled to a pro rata salary during such period, provided said staff performs all transitional duties assigned by the former Senator. The Secretary of the Senate shall provide a former Senator with necessary forms with which to apply for transitional funds provided pursuant to this rule, the expenditure of which shall be from Senate funds and which shall be considered for a public purpose. Upon proper application by the aide of a deceased Senator, a two-week transitional period with pro rata salary for the staff may be approved by the President to close out the deceased's Senate office affairs.

**PART THREE—EMPLOYEES OF THE SENATE****1.28—Dismissal of employees; services of spouse**

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

**1.29—Employees forbidden to lobby**

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

**1.30—Duties and hours**

Employees shall perform the duties assigned to them by the President and required of them by rule and custom of the Senate. When the Senate is in session, employees shall remain on duty as required. When the Senate is not in session, permanent staff of the Senate shall observe the same hours of employment as regular capitol employees. Part-time employees and Senator's personal aides shall observe hours that are prescribed by their department heads.

**1.31—Absence without permission**

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

**1.32—Political activity**

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

**1.33—Secretary; supervision of employees**

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

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

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

**PART FOUR—LEGISLATIVE CONDUCT AND ETHICS****1.35—Legislative conduct**

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

**1.36—Improper influence**

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

**1.37—Conflicting employment**

A member of the Senate shall not allow his personal employment to impair his independence of judgment in the exercise of his official duties.

**1.38—Undue influence**

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

**1.39—Disclosure and disqualification**

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

**1.40—Senate employees and conflicts**

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

**1.41—Advisory opinions**

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

**1.42—Penalties for violations**

Separately from any prosecutions or penalties otherwise provided by law, a Senator determined to have violated the requirements of the Rule regulating ethics and conduct may be censured, reprimanded, or expelled. Such determination and disciplinary action shall be taken by a two-thirds (2/3) vote of the Senate, on recommendation of the Committee on Rules and Calendar. The Committee, before making a recommendation, shall conduct a hearing after giving reasonable notice to the Senator alleged to have violated this Rule and grant the Senator an opportunity to appear at the hearing.

**RULE TWO****COMMITTEES, OFFICERS, MEMBERS,  
VOTING, MOTIONS, DECORUM, AND DEBATE****PART ONE—COMMITTEES ORGANIZATION, DUTIES, AND RESPONSIBILITIES****2.1—Standing committees; standing subcommittees**

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

- Agriculture
- Appropriations
  - Subcommittee A
  - Subcommittee B
  - Subcommittee C
- Commerce
- Community Affairs*
- Corrections, Probation and Parole
- Economic, Professional and Utility Regulation*
- ~~Economic, Community and Consumer Affairs~~
- Education
- Ethics and Elections*
- Executive Business
- Finance, Taxation and Claims
- Governmental Operations
- Health and Rehabilitative Services
- Health Care*
- Higher Education*
- Insurance*
- Judiciary-Civil
- Judiciary-Criminal
- Natural Resources and Conservation
- Personnel, Retirement and Collective Bargaining
- Regulated Industries*
- Rules and Calendar
- Transportation

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

**2.2—Powers and responsibilities of committees**

Permanent standing committees and standing subcommittees are authorized: (a) to maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area; (b) to invite public officials, employees and private individuals to appear before the committees or subcommittees to submit information; and (c) to request reports

from departments performing functions reasonably related to the committees' jurisdictions.

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

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

**2.3—Committee reports prior to session, availability of records and reports**

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

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

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

The records and reports of standing committees and the subcommittees thereof shall be available in the same manner as the reports and records of state agencies. Provided, however, that this rule shall not affect legislative records specifically protected by law, and activities undertaken pursuant to Rule Twelve, Part One. Records of oversight investigations of state agencies and other units of government may be excluded from this rule until a report is filed.

**2.4—Committee staffing**

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

**2.5—Committee utilization of federal funds**

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

**2.6—Notice of meetings**

Notice of meetings of standing committees, standing subcommittees and select committees shall be published in the daily calendar. No committee shall consider any bill until proper notice is published in the calendar for the legislative day preceding and the day of such committee meeting. The chairman of a committee or subcommittee or in his absence, the vice-chairman, shall provide the Secretary's office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered.

At least fourteen (14) days prior to the meeting of a standing committee or standing subcommittee, while the legislature is not in session, a notice of the meeting, stating the number of each bill to be considered, date, time, and place, shall be filed with the Secretary of the Senate. The Secretary shall give notice to the membership at least seven (7) days prior to the meeting.

**2.7—Bills recommitted**

A bill reported by a standing committee without proper publication of notice in the daily calendar shall be recommitted to the committee reporting the same on the point of order being made within two (2) days

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

A bill reported by a standing subcommittee to its standing committee without proper publication of notice in the daily calendar shall be recommitted to the subcommittee reporting same on the point of order made during the standing committee meeting at which the bill was reported by the subcommittee. The subcommittee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

#### **2.8—Notice of hearing; publication**

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

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

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

The Committee on Rules and Calendar or the Special Order Calendar designees provided for in Rule 4.17 shall, with approval of the President, provide a schedule of days, hours, and places for the meeting of committees for the regular session and during the interim, and deliver a copy of same to each Senator. However, this scheduling shall not limit the powers of the chairman of a standing committee or subcommittee as provided in these Rules.

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

#### **2.10—When, where committees meet**

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

#### **2.11—Attendance by sponsor of bill**

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

#### **2.12—Order of business**

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

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

#### **2.13—Open meetings**

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

#### **2.14—Time for consideration of bills**

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

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

#### **2.15—Standing committee duties in deliberation**

It shall be the duty of standing committees to report all matters referred to them either (a) favorably, (b) favorably with committee amendment(s), (c) favorably with committee substitute as defined in these Rules, or (d) unfavorably.

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

All matters referred to standing committees shall be reported by said committees with their recommendations; and after such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except by two-thirds (2/3) vote of those present in session.

In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). A Senate committee may not recommend a Senate committee substitute for a House bill. The substitute measure must be accompanied by the original measure (or measures) referred to the committee and returned to the Secretary in the same manner as a favorable report. No other standing committee of reference shall consider the original measure (or measures) but shall direct its attention to the substitute measure. A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from doing so with the substance of the bill (or bills) as originally introduced. When the original measure is reached on the calendar, the substitute shall be read a first time by title, the original proposition shall be automatically tabled, and the substitute considered in lieu of without motion. The substitute shall carry the identifying number (or numbers) of the original and shall be returned to the Secretary in the same number of copies required for first introduction of a similar measure. The name of the introducer of the original measure (or measures) shall be shown by the committee secretary on the committee substitute unless the said introducer requests that it be omitted. A committee substitute may be co-sponsored by a Senator whose signature is affixed to the original.

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

mittee amendments shall be typewritten in full on amendment forms, numbered serially, and attached to the measure. All measures reported unfavorably shall be laid on the table.

#### **2.16—Standing subcommittee reports**

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

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

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

All standing subcommittee reports shall be signed by the chairman or, in his absence, the vice-chairman and shall be made on forms prescribed by the Secretary of the Senate. Each report by a standing subcommittee must set forth the identifying number of the measure; if amendments are proposed by the standing subcommittee, the words "with amendments" shall follow the identifying number. Standing subcommittee amendments shall be typewritten in full on amendment forms, numbered serially, and attached to the measure.

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

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

#### **2.17—Quorum of committee**

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

#### **2.18—Prefiled bills**

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

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

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

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

Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment striking everything after the enacting clause of any such bill referred to the committee. Such amendments shall accompany the conference committee report, which shall be attached to the original measure submitted to conference. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House. Conference reports must be approved and signed by a majority of the managers on the part of each House.

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

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

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

### **PART TWO—COMMITTEES—OFFICERS**

#### **2.20—Appointment of Chairman and Vice-Chairman**

A chairman and a vice-chairman of each standing committee shall be appointed by the President preceding the regular session held each odd-numbered year and shall continue in office at the pleasure of the President. The President shall also appoint a chairman for each standing subcommittee and select committee authorized by these Rules and may designate a vice-chairman, both of whom shall continue in office at the pleasure of the President.

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

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

#### **2.22—Chairman's control**

The chairman or vice-chairman shall preserve order and decorum and shall have general control of the committee room. If there is a disturbance or disorderly conduct in the committee room, he may clear the room.

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

The chairman shall sign all notices, vouchers, subpoenas or reports required or permitted by these Rules. He shall decide all questions of order, subject to an appeal by any Senator, and the appeal shall be certified by the chairman to the Senate for a decision by the President during the daily session of the Senate next following such certification. The ruling shall be entered in the Journal, shall constitute binding precedent on all committees of the Senate, and shall be subject to appeal as any other question. The chairman may, or on the vote of a majority of the committee members present shall, certify a question of parliamentary procedure to the President as contemplated by the Rule without a formal appeal. Such a certified question shall be disposed of by the President as if it had been on appeal. The perfection of an appeal or the certification of a question pursuant to this Rule shall not constitute an automatic stay to further legislative action on the measure under consideration.

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

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

**2.25—Temporary alternate to Chairman**

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

**2.26—Vice-Chairman duties**

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

**PART THREE—COMMITTEES—MEMBERS****2.27—Members' attendance, voting, proxy**

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

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

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

No member of any committee shall be allowed to vote by proxy. A majority of all the committee members present shall agree by their votes on the disposition of any bill or other matter considered by the committee.

**PART FOUR—COMMITTEES—VOTING****2.28—Taking the vote**

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

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

**2.29—Pairing prohibited**

No pairing shall be permitted by the committee.

**2.30—Casting vote for another**

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

**2.31—Explanation of vote**

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

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

Every motion may be made orally. On request of the chairman, a Senator shall submit his motion in writing. After a motion has been stated or read by the chairman, it shall be deemed to be in possession of the committee without a second, and shall be disposed of by vote of the committee members present. The mover may withdraw a motion, except a motion to reconsider, at any time before the same has been amended, or before a vote shall have commenced.

**2.33—Motions; precedence**

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

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

which shall have precedence in the descending order given.

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

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

**2.34—Division of question**

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

**2.35—Reconsideration generally**

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

**2.36—Reconsideration; vote required**

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

**2.37—Reconsideration; debate allowed**

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

**2.38—Reconsideration; collateral matters**

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

**PART SIX—COMMITTEES—AMENDMENTS****2.39—Form, manner of consideration**

Amendments shall be filed with the chairman on forms prescribed by the Secretary but shall be considered only after sponsors, who are members of the committee, gain recognition from the chairman to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chairman and has moved its adoption. Amendments that have been filed with the chairman but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

**2.40—Sequence of amendments to amendments**

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

**2.41—Striking all after enacting clause**

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

**2.42—Amendment by section**

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

**2.43—Senate amendments to House bills**

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

**2.44—Amendments by another committee**

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

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

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

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

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

**2.47—Interruptions; when allowed**

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

**2.48—Speaking rights**

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

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

**2.49—Time for debate**

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

**2.50—Limitation on debate**

When a measure is under debate by the committee, a Senator may move to limit debate, and the motion shall be decided without debate. The introducer of the measure shall have five (5) minutes to discuss the motion, and he may divide his time with, or waive it in favor of, some other member. If the question is decided in the affirmative by a two-thirds (2/3) vote of those present, the debate shall be limited accordingly. The time allotted by such limitation shall be apportioned by the chairman.

**2.51—Priority of business**

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

**2.52—Questioning right to vote**

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

**2.53—Appeals**

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

**2.54—Appeals debatable**

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

**RULE THREE****BILLS, RESOLUTIONS, AND MEMORIALS****3.1—Bill Backing and Number of Copies**

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

Bills that propose to amend existing provisions of the Florida Statutes (as described in section 11.242, F.S.) or the Laws of Florida shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the Florida Constitution shall contain the full text of the section to be amended.

In general bills and joint resolutions that propose to amend existing provisions of the Florida Statutes or of the Florida Constitution, new words shall be inserted in the text underlined, and words to be deleted shall be lined through with hyphens.

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 amend-



ed: "Substantial rewording of section. See Section ..., F.S., for present text." When such notation is used it shall be underlined.

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

No portion of a bill shall be typed with underlining, except as provided by this Rule.

### 3.2—Form of bills

All bills (as distinguished from resolutions and memorials) shall be introduced in an original (1) and eight (8) exact copies. They shall contain a proper title, as defined in Article III, Section 6 of the Constitution, and the enacting clause, "Be It Enacted by the Legislature of the State of Florida:". The title of each bill shall be prefaced by the words, "A bill to be entitled An act". Standard rules of capitalization shall apply.

### 3.3—Form of local bills

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

### 3.4—Form of joint resolutions

All joint resolutions shall be introduced in an original (1) and eight (8) exact copies. They shall contain a proper title, as defined in Article III, Section 6 of the Constitution. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:". Each joint resolution shall be prefaced by the words: "A Joint Resolution...".

### 3.5—Form of memorials

All memorials shall be introduced in an original (1) and eight (8) exact copies. They shall contain a proper title, as defined in Article III, Section 6 of the Constitution. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:".

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

All Senate resolutions and all concurrent resolutions shall be introduced in an original (1) and eight (8) exact copies. They shall contain a proper title, as defined in Article III, Section 6 of the Constitution. Standard rules of capitalization shall apply. Senate resolutions shall read, "Be It Resolved by the Senate of the State of Florida:". Concurrent resolutions shall read, "Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:".

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

### 3.7—Introduction during session

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

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

### 3.8—Prefiled bills

A prefiled bill complying with these Rules shall, in anticipation of the next regular session, be serially numbered in accordance with the permanent system required by these Rules. A bill received by the Secretary

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

The Secretary shall deliver each such numbered bill to the President for reference to a committee or committees pursuant to these Rules. The Secretary shall promptly forward each referenced bill to the chairman of the first or only committee of reference. A copy of each prefiled bill shall be provided each Senator. The Secretary shall mail regularly to each Senator a calendar of all prefiled bills, including the referencing data for each bill, and of all committee hearings, including the bills noticed for hearing by each.

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

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

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

### 3.9—Printing of bills

When introduced, bills not local in application and joint resolutions (including committee bills and committee substitute bills) shall be printed for the information of the Senate and the public. The number of copies of each shall be determined each year by the Secretary who shall furnish the copy for printing. The absence of a printed copy shall not delay the progress of a measure at any stage of the legislative process.

### 3.10—Identification of bills

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

### 3.11—Companion measures

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



### 3.12—Introducers of bills

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

### 3.13—Fiscal notes

Upon being favorably reported by a standing committee, all general bills or joint resolutions affecting revenues, expenditures, or fiscal liabilities of state or local governments shall be accompanied by a fiscal note. Fiscal notes shall reflect the estimated increase or decrease in revenues or expenditures, the present and future fiscal implications of the bill or joint resolution and shall also embrace the requirements of Sections 11.075 and 11.076, F.S., relating to economic impact. The fiscal note shall not express opinion relative to the merits of the measure, but may identify technical or mechanical defects.

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

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

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

## RULE FOUR

### ORDER OF BUSINESS AND CALENDAR

#### 4.1—Sessions of the Senate

The Senate shall meet pursuant to a schedule adopted by the Committee on Rules and Calendar and approved by the President. This schedule shall set forth hours to convene and adjourn.

#### 4.2—Quorum

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

#### 4.3—Daily order of business

The daily order of business shall be as follows:

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

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

Certain messages from the House of Representatives may be withheld from the Daily Order of Business pursuant to Rule 1.18 or on order of the President.

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

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

#### 4.4—Committee of the Whole

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

#### 4.5—Conference Committee Report

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

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

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

#### 4.6—Reference generally; final day for introduction of bills

All bills, including those that are strictly local in nature and those pre-filed in accordance with these Rules, shall be referred by the President to appropriate committees or standing subcommittees. Bills received by the President during a regular session and within three (3) weeks next preceding the convening of a regular session shall be referred within seven (7) days. Upon failure of the President to reference such bills within this limitation, they shall be referred to committees as may be recommended by the sponsor. In the event of extended absence of the President or his disability or incapacity, the President Pro Tempore shall assume the duty of referring bills. If the President has not previously designated a standing subcommittee of reference, the chairman of the standing committee shall promptly determine whether such measure shall initially be considered by the full committee, a standing subcommittee, or a select subcommittee appointed by the chairman. The chairman, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chairman of the standing committee shall promptly report this reference

and the time allowed for consideration to the Secretary of the Senate on forms provided for the purpose. The reference of a bill that is local in nature shall be to the Committee on Rules and Calendar to determine whether such measure is, in fact and function, local in nature and whether it responds to the legal requirements of a local bill. A bill is local in nature if it does not alter a law of general application throughout the state and affects no more than one county. When the Committee on Rules and Calendar, through staff analysis, has determined a bill is in fact and law a local bill, it shall be reported and referred to the calendar on local bills. When the Committee on Rules and Calendar, through staff analysis, determines a bill is not local in nature, a report stating the reasons therefor shall be furnished to the President of the Senate who shall refer such bill to an appropriate standing committee for hearing. Such determination and report shall be made within fifteen (15) legislative days from date of reference.

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

A motion to waive this Rule shall be referred to the Committee on Rules and Calendar for a hearing and its advisory recommendation as to the existence of an emergency reasonably compelling consideration of a bill notwithstanding this Rule and a recommendation shall be reported back to the Senate. The Secretary shall number them to provide identity and control until a permanent number can be affixed. These bills shall be known as prefiled bills and considered in accordance with these Rules.

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

In case of multiple reference of a bill, it shall be considered by each committee separately in the order in which the multiple reference is made. However, if any committee to which the bill is referred makes an unfavorable report on said bill, that report shall be filed with the Senate and no further consideration given by other committees except on two-thirds vote of those present. If a committee reports a committee substitute favorably, other committee consideration shall be directed to the substitute and not to the original.

#### **4.8—Reference to the Committees on Appropriations; Finance, Taxation and Claims; and Personnel, Retirement and Collective Bargaining; claim bills**

All bills authorizing or substantially affecting appropriations shall be referred to the Committee on Appropriations. All bills authorizing or substantially affecting tax revenue shall be referred to the Committee on Finance, Taxation and Claims. All bills substantially affecting a state-funded or state-administered retirement system shall be referred to the Committee on Personnel, Retirement and Collective Bargaining. A bill that is amended to substantially affect appropriations or tax revenue or a state retirement program shall, before being placed before the Senate for final passage, be referred along with all amendments to the Committee on Appropriations or the Committee on Finance, Taxation and Claims, or the Committee on Personnel, Retirement and Collective Bargaining, as appropriate for review and recommendation to the Senate which review during the last ten (10) days of a regular Session shall be accomplished within twenty-four (24) hours.

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

b. The provisions of the first paragraph of this Rule to the contrary notwithstanding, all claim bills shall be first referred by the President to a Senate Special Master who shall conduct a de novo hearing, pursuant to reasonable notice, and determine liability, proximate cause and damages. 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, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law and recommendations. The report shall be signed by the Special Master who shall be available, in person, to explain his report to the committees and to the Senate.

c. On receipt of the Special Master's report and recommendations, the Secretary shall, under the President's initial reference, deliver each claim bill with the report attached, to the Committee on Finance, Taxation and Claims or other committee designated by the President.

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

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

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

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

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

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

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

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

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

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

Each bill or joint resolution shall receive three (3) separate readings on three (3) separate days previous to a vote on final passage unless two-thirds (2/3) of those present decide otherwise. (Constitution: Article III, Section 7—"Any bill may originate in either House and after passage in one may be amended in the other. It shall be read in each House on three separate days, unless this rule is waived by two-thirds (2/3) vote; provided the publication of its title in the journal of a house shall satisfy the requirement for the first reading in that house. On each reading, it shall be read by title only, unless one-third of the members present desire it be read in full. On final passage, the vote of each member voting shall be entered on the Journal. Passage of a bill shall require a majority vote in each House. Each bill and joint resolution passed in both Houses shall be signed by the presiding officers of the respective Houses and by the Secretary of the Senate and the Clerk of the House of Representatives during the session or as soon as practicable after its adjournment sine die.")

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

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

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

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

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

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

**4.16—Consideration out of regular order**

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

**4.17—Special Order Calendar; Consent Calendar**

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

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

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

**4.18—Calendar of local bills**

Local bills shall be disposed of according to the calendar of bills of a local nature and shall be considered only at such time as determined by the Committee on Rules and Calendar or its designees and approved by the President.

**4.19—Order after second reading**

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

ing. Bills calendared for second or third reading shall not be considered on such reading until reached on the calendar and appropriately read to the Senate pursuant to order of the President.

**4.20—Enrolling**

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

**RULE FIVE****VOTING****5.1—Taking the yeas and nays**

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

**5.2—Change of vote**

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

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

**5.3—Casting vote for another**

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

**5.4—Pairing**

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

**5.5—Explanation of vote**

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

**5.6—Election by ballot**

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

**RULE SIX****MOTIONS AND PRECEDENCE****6.1—Motions; how made, withdrawn**

Every motion may be made orally. On request of the President, a Senator shall submit his motion in writing. After a motion has been stated or read by the President, it shall be deemed to be in possession of the Senate and, without a second, shall be disposed of by vote of the Senate. The mover may withdraw a motion, except a motion to reconsider, as hereinafter provided, at any time before the same has been amended or before the vote shall have commenced.

**6.2—Motions; precedence**

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

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

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

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

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

**6.3—Division of question**

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

**6.4—Reconsideration generally**

When a main question, (the vote on passage of a measure, including a vote on a veto message, confirmation of executive appointments, removal or suspension from office) has been decided by the Senate, a Senator voting with the prevailing side may move for reconsideration of the question on the same or the next legislative day on which the Senate meets. If the question has been decided by voice vote, any Senator may so move. Such motion may be made pending a motion to adjourn or if it is time to adjourn. Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate when it next meets on a legislative day succeeding that on which the motion was made and, unless considered on said day, shall be considered abandoned. If the Senate shall refuse to reconsider or, on reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except on unanimous consent of those present. During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day. When a majority of those present vote in the affirmative on any question but the proposition be lost because it is one in which the concurrence of more than a majority of those present is necessary for adoption or passage, any Senator may move for reconsideration.

**6.5—Reconsideration; vote required**

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

**6.6—Reconsideration; debate**

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

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

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

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

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. The adoption of any motion to waive the Rules by a two-thirds (2/3) vote of those present and immediately certify any bill or joint resolution to the House shall be construed as releasing the measure from the Secretary's possession for the period of reconsideration and shall, thereafter, preclude reconsideration. During the last five (5) calendar days allowed under the Constitution for a regular session and during any extensions thereof, or during any special session, the bills shall be immediately transmitted to the House. Messages relating to Senate action on House amendments or to conference committee reports shall be transmitted forthwith.

**6.9—Motion to indefinitely postpone**

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

**RULE SEVEN****AMENDMENTS****7.1—General form; manner of consideration**

Amendments shall be filed with the Secretary on forms prescribed by him but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chairman of the committee (or, in his absence, the vice-chairman or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption. Amendments that have been filed with the Secretary of the Senate but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment. Bills which have received an unfavorable committee report, and bills the substance of which have not been reported favorably by a committee or committees of reference, are out of order and shall not be admitted or considered under color of amendment to a bill on the calendar and under consideration by the Senate; amendments covered by this rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference.

**7.2—Adoption**

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

**7.3—Sequence of amendments to amendments**

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

**7.4—Striking all after enacting clause**

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

**7.5—Amendment by section**

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

**7.6—Printing in Journal**

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

**7.7—Senate amendments to House bills**

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

**7.8—House amendments to Senate bills**

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

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

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

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

When a Senator desires to speak or deliver a matter to the Senate, he shall rise at his seat and address himself to "Mr. President", and, on being recognized, may address the Senate from his desk or from the well of the Senate, and shall confine himself to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the district number of the Senator being addressed, or he may also use such appellation and the surname of the Senator referred to or addressed.

**8.2—Presiding officer's power of recognition**

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

**8.3—Interruptions; when allowed**

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

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

The presiding officer shall strictly enforce this Rule.

**8.4—Senator speaking, rights**

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

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

**8.5—Limit on speaking**

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

**8.6—Limitation of debate**

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

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

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

**8.8—Questioning right to vote**

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

**8.9—Appeals**

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

**8.10—Appeals, debatable**

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

**8.11—Questions of privilege**

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

What is a question of privilege?

1. Questions that relate to the body or its members in such a manner as to affect proper functioning of the body are questions of privilege. It is necessary that these questions be under the immediate control of the body. They relate to the rights and privileges of the body or any of its members in their official capacity, or to the comfort and convenience of the body or its members in the performance of their official duties.

2. "Questions of privilege" should be distinguished from "privileged questions", which is a class of motions having the highest precedence.

3. Questions of privilege are of two types: (1) those that relate to the privilege of the entire body and are known as questions of "privilege of the house", and (2) those that relate to a member, and are known as questions of "personal privilege". In case of conflict, questions of privilege of the house take precedence over questions of personal privilege.

**RULE NINE****LOBBYING****9.1—Those required to register**

All persons (except members of the Florida Legislature, or duly authorized aides designated in writing by such members, or those persons excepted by Rule 9.3), 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 with the Secretary of the Senate or Clerk of the House. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with a current member of the legislature.

**9.2—Method of registration**

Every such person shall register on forms prepared by the Secretary and shall state under oath his name and business address, the name and business address of his principal or principals, and his legislative interests. The Secretary or a deputy in the Office of the Secretary is authorized to acknowledge the oath of those registering in person.

The Secretary shall publish a list of those filing the registration statements under this Rule together with the information contained therein on the first Monday of the session and weekly thereafter. No registered lobbyist shall be permitted on the floor of the Senate while it is in session.

**9.3—Registration, exception**

A person who, on an isolated basis and without intent to continue beyond a single legislative day, merely appears before a committee or committees of the Senate in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer, or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the Senators or committees with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

**9.4—Obligations of lobbyist**

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

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

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

**9.5—Periodic reports required**

A lobbyist shall submit to the Secretary of the Senate within thirty (30) days following a regular session of the legislature a signed and certified statement listing all lobbying expenditures and sources from which funds for making such expenditures have come. Lobbying expenditures shall not include personal expenses for lodging, meals, and travel. Thereafter each lobbyist, as long as he remains a registered lobbyist, and every person who registers as a lobbyist shall submit to the Secretary of the Senate no later than Friday of the first week of each regular session a signed and certified statement of all interim lobbying expenditures including expenditures at special sessions, if any. Said statements shall be rendered in the form provided by the Secretary of the Senate and shall be open to public inspection. A statement shall be filed even if there have been no expenditures during a reporting period.

**9.6—Advisory opinions**

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

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

**9.7—Compilation of opinions; list of lobbyists**

The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Rules and Calendar as well as a current list of registered lobbyists and their respective reports required under these Rules, all of which shall be open to public inspection.

**9.8—Penalties for violations**

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

**9.9—Secretary to provide forms**

The Secretary shall provide blank affidavits for the convenience of registrants, but the burden of compliance nevertheless always shall be on the person required to register.

**9.10—Committees to be diligent**

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

**RULE TEN****CHAMBER OF THE SENATE****10.1—Persons entitled to admission**

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

**10.2—Exception**

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

**10.3—Admission of press by President**

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

**10.4—Recognition of guests**

No person shall be introduced unless he is escorted to the rostrum with consent of the majority of those present. This Rule shall not apply to the first day of each regular session.

**10.5—Attire**

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

**10.6—Gallery**

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



**RULE ELEVEN****CONSTRUCTION AND WAIVER OF RULES****11.1—Interpretation of Rules**

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

**11.2—Waiver and suspension of Rules**

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

**11.3—Changes in Rules**

All proposed actions touching the Rules and Order of Business in the Senate shall be first referred to the Committee on Rules and Calendar, which shall report as soon as practicable. Consideration of such a report shall always be in order. The Committee on Rules and Calendar may originate reports and resolutions dealing with these Rules and the Order of Business, and such power shall be exclusive, provided, however, that any report made pursuant to this Rule may be amended by a two-thirds (2/3) vote of the members present.

**11.4—Majority action**

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

**11.5—Uniform construction**

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

**11.6—General**

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

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

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

**12.2—Executive session; purpose**

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

**12.3—Executive session; vote required**

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

**12.4—Work product confidentiality**

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

**12.5—Separate Journal**

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

**12.6—Violation of Rule**

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

**PART TWO—SUSPENSIONS AND REMOVALS****12.7—Procedure**

(a) Except as otherwise herein provided, on receipt by the Senate of appointments or suspensions on which action by the Senate is required, the President shall refer each to the Committee on Executive Business, other appropriate committee or to a Special Master appointed by the President. Either one shall make inquiry or investigation and hold hearings, as appropriate, and advise the President and the Senate with a recommendation and the necessity for deliberating the subject in executive session. Reports and findings of the committee or the Special Master appointed pursuant hereto are advisory only and shall be made to the Senate President. The report of the committee or the Special Master may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or he may refer it to the Committee on Rules and Calendar for its consideration and report. When the report is presented to the Senate in open session or received by the Committee on Rules and Calendar, the report shall lose its privileged and confidential character.

(b) An executive suspension of a public official who is under indictment or who has pending against him criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the Committee on Executive Business, other appropriate committee or Special Master; however, all inquiry or investigation or hearings thereon shall be held in abeyance and the matter shall not be considered by the Senate, the committee or the Special Master until the pending charges have been dismissed, or until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, and the exhaustion of all appellate remedies for any of the above.

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

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

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

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

(f) The committee or Special Master may provide for a pre-hearing



conference with counsel for the Governor and the suspended official to narrow the issues involved in the suspension. At such conference, both the Governor and the suspended official shall set forth the names and addresses of all the witnesses they intend to call, the nature of their testimony, and photocopies of all documentary and a description of all physical evidence that will be relied on by the parties at the hearing. Each shall state briefly what each expects to prove by such testimony and evidence.

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

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

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

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

#### **12.8—Special Master; appointment**

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

#### **12.9—Special Master; floor privilege**

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

#### **12.10—Issuance of subpoenas, etc.**

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

#### **12.11—Rule takes precedence**

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

### **RULE THIRTEEN**

#### **SPECIAL SESSION**

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

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

#### **13.2—Sessions of the Senate**

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

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

Committee meetings shall be coordinated and scheduled by the Committee on Rules and Calendar, or a subcommittee thereof. Meetings of standing committees and standing subcommittees scheduled in accordance with this Rule may be held following an announcement by the chairman while the Senate is in session, and by posting a notice on a bulletin board in the public corridor leading into the Senate Chamber for two (2) hours in advance of the meeting. All other provisions for publication of notice of committee meetings are suspended.

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

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

#### **13.5—Committee reports**

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

#### **13.6—Conference Committee Report**

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

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

Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

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

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

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

#### **13.7—Reconsideration**

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

#### **13.8—Special Order Calendar**

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

### **RULE FOURTEEN**

#### **SEAL AND INSIGNIA**

#### **14.1—Seal and Insignia**

There shall be an official seal of the Senate. The seal shall be the size

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

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

#### **Designation of Majority Leader**

The President announced the designation of Senator Jack Gordon as Majority Leader of the Senate, pursuant to Rule 1.1.

### **COMMITTEE APPOINTMENTS**

The President announced the appointment of standing committees, including subcommittees and joint committees as follows:

#### **STANDING COMMITTEES AND SUBCOMMITTEES**

##### **Agriculture**

Senator Thurman, Chairman; Senator Souto, Vice-Chairman; Senators D. Childers, Crenshaw, Gardner, Kirkpatrick, Peterson, Thomas and Woodson

##### **Appropriations**

Senator Margolis, Chairman; Senator Grizzle, Vice-Chairman; Senators Bankhead, Beard, Brown, Casas, Crenshaw, W. D. Childers, Davis, Gardner, Gordon, Grant, Jennings, Johnson, Kirkpatrick, Myers, Peterson, Scott, Stuart, Thomas and Walker

*Subcommittee A:* Senator Kirkpatrick, Chairman; Senators Beard, Casas, W. D. Childers, Gardner and Jennings

*Subcommittee B:* Senator Peterson, Chairman; Senators Crenshaw, Gordon, Johnson, Stuart and Walker

*Subcommittee C:* Senator Myers, Chairman; Senators Bankhead, Brown, Davis, Grant and Thomas

##### **Commerce**

Senator D. Childers, Chairman; Senator Crenshaw, Vice-Chairman; Senators Bankhead, Bruner, Casas, Deratany, Forman, Gardner and Thomas

##### **Community Affairs**

Senator Meek, Chairman; Senator Forman, Vice-Chairman; Senators Davis, Jennings, Kirkpatrick, Kiser, Margolis and Ros-Lehtinen

##### **Corrections, Probation and Parole**

Senator Plummer, Chairman; Senator Woodson, Vice-Chairman; Senators Girardeau, Grizzle, Thurman and Walker

##### **Economic, Professional and Utility Regulation**

Senator Jennings, Chairman; Senator Davis, Vice-Chairman; Senators Kirkpatrick, Kiser, Malchon, Margolis, McPherson, Myers, Peterson and Scott

##### **Education**

Senator Johnson, Chairman; Senator Walker, Vice-Chairman; Senators D. Childers, Gardner, Gordon, Peterson, Stuart and Woodson

##### **Ethics and Elections**

Senator Brown, Chairman; Senator Dudley, Vice-Chairman; Senators W. D. Childers, Deratany, Kirkpatrick, Kiser, Malchon and Plummer

##### **Executive Business**

Senator Grizzle, Chairman; Senator Peterson, Vice-Chairman; Senators Beard, Dudley, Girardeau and Gordon

##### **Finance, Taxation and Claims**

Senator Deratany, Chairman; Senator Bruner, Vice-Chairman; Senators D. Childers, Dudley, Forman, Girardeau, Kiser, Langley, Malchon, McPherson, Plummer, Souto, Weinstein and Weinstock

#### **Governmental Operations**

Senator Kiser, Chairman; Senator Gardner, Vice-Chairman; Senators Brown, Bruner, Crenshaw, Forman and Langley

#### **Health and Rehabilitative Services**

Senator Weinstock, Chairman; Senator Ros-Lehtinen, Vice-Chairman; Senators Bankhead, Davis, Gardner, Grant, Malchon, Meek, Stuart, Weinstein and Woodson

#### **Health Care**

Senator Malchon, Chairman; Senator Bankhead, Vice-Chairman; Senators W. D. Childers, Gordon, Grizzle, McPherson and Myers

#### **Higher Education**

Senator Stuart, Chairman; Senator Plummer, Vice-Chairman; Senators Davis, Johnson, Meek, Ros-Lehtinen, Scott, Thurman and Weinstock

#### **Insurance**

Senator W. D. Childers, Chairman; Senator Langley, Vice-Chairman; Senators Deratany, Scott, Thomas, Walker and Weinstein

#### **Judiciary-Civil**

Senator Weinstein, Chairman; Senator Langley, Vice-Chairman; Senators Casas, Davis, Dudley, Grant, Johnson, Plummer and Stuart

#### **Judiciary-Criminal**

Senator Grant, Chairman; Senator Girardeau, Vice-Chairman; Senators Beard, Johnson, Peterson and Stuart

#### **Natural Resources and Conservation**

Senator McPherson, Chairman; Senator Grizzle, Vice-Chairman; Senators Brown, W. D. Childers, Crenshaw, Kirkpatrick, Souto and Thurman

#### **Personnel, Retirement and Collective Bargaining**

Senator Ros-Lehtinen, Chairman; Senator Girardeau, Vice-Chairman; Senators Crenshaw, Meek and Weinstein

#### **Regulated Industries**

Senator Thomas, Chairman; Senator Casas, Vice-Chairman; Senators Bruner, Deratany, Forman, Margolis and Scott

#### **Rules and Calendar**

Senator Scott, Chairman; Senator Gordon, Vice-Chairman; Senators Beard, W. D. Childers, Deratany, Gardner, Girardeau, Jennings, Kiser, Margolis, McPherson, Myers, Peterson, Langley and Thomas

#### **Transportation**

Senator Beard, Chairman; Senator Forman, Vice-Chairman; Senators Bruner, Deratany, Jennings, Kiser, Margolis, Ros-Lehtinen and Weinstock

### **JOINT COMMITTEES**

#### **Administrative Procedures**

Senator Kiser, Alternating Chairman; Senators Dudley and Walker

#### **Advisory Council on Intergovernmental Relations**

Senator Langley, Alternating Chairman; Senators Brown, D. Childers and Myers

#### **Legislative Auditing**

Senator Kirkpatrick, Alternating Chairman; Senators Johnson, Souto, Weinstein and Weinstock

#### **Legislative Information Technology Resources**

Senator Stuart, Alternating Chairman; Senators Gardner and Johnson

#### **Legislative Management**

Senator W. D. Childers, Alternating Chairman; Senators Margolis and Scott

### **ADJOURNMENT**

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

**CERTIFICATE**

**THIS IS TO CERTIFY** that the foregoing pages, numbered 1 through 24, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida, in Organization Session, convened at 10:20 a.m. on the 22nd day of November, 1988, and adjourned at 12:25 p.m. on the 22nd day of November, 1988.

**JOE BROWN**  
Secretary of the Senate

Tallahassee, Florida  
November 22, 1988