



# Journal of the Senate

ORGANIZATION SESSION

Tuesday, November 18, 1986

Journal of the Senate for the Organization Session of the Tenth 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 18, 1986, being the day fixed by the Constitution for the purpose.

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

The Secretary announced that he was designating Senator Curtis Peterson, the most recent past President still sitting as a Senator, to preside over the Organization Session as provided in Rule 1.9.

The Secretary presented the gavel to Senator Peterson and returned to his post.

### Senator Peterson presiding

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

STATE OF FLORIDA )  
OFFICE OF SECRETARY OF STATE )

I, George Firestone, 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 4th day of November, A. D., 1986, as shown by the election returns on file in this office:

### SENATE DISTRICT NUMBER

- 2 Pat Thomas, Quincy
- 4 Karen Thurman, Dunnellon
- 5 Wayne Hollingsworth, Lake City
- 6 George Kirkpatrick, Gainesville
- 8 Ander Crenshaw, Jacksonville
- 10 Tom C. Brown, Port Orange
- 12 Curtis Peterson, Lakeland
- 14 George Stuart, Jr., Orlando
- 16 Tim Deratany, Indialantic
- 18 Jeanne Malchon, St. Petersburg
- 20 Mary R. Grizzle, Belleair Bluffs
- 21 John Grant, Tampa
- 22 Malcolm E. Beard, Seffner
- 24 Marlene Woodson, Bradenton
- 26 Eleanor Weinstock, West Palm Beach
- 28 Don C. Childers, West Palm Beach
- 30 Tom McPherson, Ft. Lauderdale
- 32 Ken Jenne, Hollywood
- 34 Ileana Ros-Lehtinen, Miami
- 36 Carrie P. Meek, Miami
- 38 Fred R. Dudley, Cape Coral
- 40 Dexter Lehtinen, Miami

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:

Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Vogt
Deratany	Jenne	Meek	Weinstein
Dudley	Jennings	Myers	Weinstock
Frank	Johnson	Peterson	Woodson

A quorum present—40.

### PRAYER

Prayer by Senator Don Childers:

Our most gracious Heavenly Father, we thank thee for letting us gather here today. We pray that thou will hear these prayers that are offered on your behalf and we pray thou will guide us each and every one in our endeavors in things that we do to try to please you and not only you, our Lord, but the people that we represent in this state. We pray that thou will bless our President, we pray that thou will bless each and every member elected to governmental bodies, both federal and state and a special blessing on the forty Senators here today, Lord. We may do things that we don't understand, but we know that you are in complete control and we pray, O Lord, that you will guide us and direct us to do your will and we ask these things in Jesus' name. Amen.

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

Senator Peterson announced that in addition to former Senate Presidents Dempsey J. Barron and W. D. Childers, the Senate was honored by the presence of former President Philip D. Lewis.

The Senate proceeded to the organization of the Body.

### POINT OF ORDER

**Senator Stuart:** A parliamentary inquiry, Mr. President: May I inquire as to what set of Rules we will be operating under?

**Mr. President:** We are operating under the Rules of the previous Senate and we will adopt Rules at the end of this Organization Session for this Senate.

**Senator Stuart:** Then I would rise to a point of order, Mr. President.

**Mr. President:** State the point.

**Senator Stuart:** The election of the President and President Pro Tempore under Rule 1.1 requires a procedure that has been followed and that there should be a candidate from the Majority Party. The applicable sentences, I believe, are the first and the third. The first sentence says that: "A President and a President Pro Tempore of the Senate shall be



GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this 17th day of November, A. D., 1986.

George Firestone  
SECRETARY OF STATE

The oath of office was administered by The Honorable Rosemary Bar-kett, Justice, Florida Supreme Court, to the recently elected Senators.

elected for a term of two (2) years at the Organization Session preceding the regular session of each odd-numbered year." The next applicable sentence would be the third one, which says: "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."

My point would be, Mr. President, that at a regular session the Majority Party in fact did caucus; the caucus was in fact called by the President, the caucus did in fact elect a President Designate and a President Pro Tempore Designate and their names were certified to the Secretary of the Senate. The point I would make, Mr. President, is that this is the procedure for electing a President Designate and a President Pro Tempore Designate. It is interesting to point out that the only place in the entire Rules that we are operating under that mentions a President Designate is in this particular section.

**Mr. President:** The Senator from the third.

**Senator Barron:** Mr. President, I would like to point out that the Constitution of Florida is the primary source that governs us and the provisions of Article III, the Legislative article in the Constitution clearly states that today is the day we select the presiding officer. In regard to the remarks by Senator Stuart, his proposal would have the effect of excluding fifteen members of the Senate from having a voice in this election. I think that would be a violation of the Constitution and the spirit of democracy. In regard to the statement that a person may be designated in caucus, which is in the Rule; all the Rule says is that the person's name will be certified to the Secretary of the Senate, and that has been done. More times than not, since I've been in the Senate the person that was designated in the caucus did not become the sitting President of the Senate.

Verle Pope, one of the really great Presidents of the Florida Senate, was not designated in caucus but was elected after the general election when there was a new arrangement in the Senate, a new alignment. The person who had been previously designated was not elected.

I think we have to abide by the Constitution. I think we have to recognize that all people sitting here are members of the Senate and have a right to cast a vote for the next presiding officer and I would urge you to rule that the point is not well taken.

Let me show you how totally undemocratic the Senate would be and how people would be disenfranchised if Senator Stuart's position should prevail. Senator Fox, who is not a member of the Senate, would be voting for Senator Lehtinen; Senator Mann for Senator Dudley; Senator Johnston for Senator Weinstock; Senator Castor for Senator Grant; Senator Gersten for Senator Ros-Lehtinen; Senator Dunn for Senator Brown; Senator Grant for Senator Hollingsworth; Senator Neal for Senator Woodson and my deceased friend Senator Carlucci for Senator Crenshaw. It is too clear to even debate, the members of the Senate now seated, just sworn in by a Justice of the Supreme Court, should select their President and the Constitution is clear on that and I would urge further that the point is not well taken.

**Senator Frank:** Mr. President, to the point—I think you do have to look very carefully at Rule 1.1. The first sentence does say that the officer shall be elected but the third sentence does indeed leave the option of the Majority Party to caucus and select whom that person will be. Now I want you to refer to Rule 1.7(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." That makes it very clear that inherent in the Rules is the assumption that the Majority Party will always prevail in the election of its officers. In fact, the first sentence in Rule 1.1 is nothing other than a reaffirmation of what the Majority Party determines will be the officers of the Senate. This position has consistently been held—the Majority Party has always been the party that has determined the election of its officers and I think it is very clearly delineated in the Rules, and I ask you again to look at Rule 1.7(d). It would not have been written that way had it not been assumed that at all times the Majority Party would make the determination. We have made our determination.

**Senator Gordon:** Mr. President, I think that as we look forward we are going to have situations where there can be 18 or 19 Senators of one party and 22 or 21 of the other, and we can have people moving back and forth and we can have an exceptionally unstable situation if we stick to the question of the party being the way to delineate the president.

Some of us would be happy to change that Rule, and make an election on a different basis. As a matter of fact, I am going to make a motion to move in that direction when we go to adopt the Rules, because I believe we now need to look upon a president as somebody who is going to preside over the body and who is going to have to find consensus between Republicans and Democrats or between enough groups of members to move a program forward.

**Mr. President:** The Rule on which the point has been raised, Rule 1.1, the third sentence says: "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." I call your attention to the word "may", it anticipates this might happen, does not mandate that it should happen; but the first sentence of this Rule governs and the first sentence of this Rule does carry out the mandate of the Constitution. The first sentence says: "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."

#### Ruling on Point of Order

For those reasons the chair rules that the point is not well taken; and the point is not well taken.

#### Election of Officers

Senator Peterson 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.

Senator Peterson recognized Senator Crawford who placed in nomination the name of Senator John W. Vogt of the 17th Senatorial District.

**Senator Crawford:** The framers of the Florida Constitution in Article III, Section 3(a) have instructed this body to meet two weeks following the general election for the purpose of choosing our presiding officers. I am most grateful that they didn't say three weeks.

Mr. President, friends in the gallery, fellow Senators, today we will decide the Senate Presidency.

Pledges, promises, loyalty, honor, friendship, alliances, trust, courage, compromise, coalition, alienation, ambition, power, deceit, weakness. Some of these words, perhaps all of them, have been a part of the drama we have all experienced in the last two weeks, or even longer, as we have gone about our responsibility to choose the next leader of this body.

What does it all mean? Should we reach for some deep philosophical explanation? No, let's not fool ourselves for we are certainly not fooling anyone else.

What has been going on in the Florida Senate can be summed up in one word, "*politics*". Nothing more and nothing less. The good and the bad.

The politics of the Florida Senate. Could we improve it? Of course. Will it change? I doubt it.

To our new Senators who have come from the House, let me be the first to tell you it is different here. The intensity, the gravity, and the sheer personal strain of serving in this body has no comparison. To our newly elected Senator fresh from the private life, be on notice, the job of a Florida Senator is no easy task.

But while the demands can be excruciating, the personal satisfaction we can gain from this level of public service is unlimited.

This decision each of us must make today is by far the toughest. There is much at stake and many things must be considered. And while everyone will have their opinions of what has happened here today there is one fact we must acknowledge. There is only one Florida Senate and the people who have elected us individually have only one Senator.

Florida is counting on us and your constituents are counting on you. Florida is counting on us to meet the challenges of growth; of a rising crime rate; of educating our children; of caring for our elderly and the challenge of moving Florida forward into a position of national leadership as we approach the 21st Century.

Those same constituents have also sent us a new Governor who will serve with us for the next four years. They have a right to expect that all 40 members of the Florida Senate will work with Governor Martinez to make Florida's government work for the people in the years ahead.

Making government work—this is our sole and singular responsibility. And that is why I am voting for John Vogt.

We must put aside any negative feelings that would only harm this body. We must do the job that we were sent here to do. Let no one be mistaken, under the leadership of John Vogt, we will get the job done.

There are many fine leaders in this Senate. Ken Jenne has clearly demonstrated to us all his strength of leadership.

Personally, he has my admiration, not only as a legislator, but also as a father and a friend.

I think we all respect this institution, the Florida Senate, if not for what it has been, then for what it could be.

As there is only one Senate, there is only one Senate President. A majority of this body has always made that decision and I believe a majority of Senators have come to Tallahassee today to choose John Vogt as President.

Senator Vogt will be elected today with a commitment to me and to every member that his victory will mean defeat for no Senator. No one has failed, John Vogt simply has succeeded.

Every Senator has the right to be heard in this body, and I would not be standing here today if I did not believe that John Vogt would ensure that right.

John Vogt came to the Florida Senate 14 years ago. During that time he has chaired many important committees and has authored landmark legislation. John, since 1973, has been known for his concern for the handicapped and in 1974, passed the Child Care Act. In 1975, it was the Bill of Rights for Retarded Children, and the list goes on.

For this work John has received awards from environmental groups, educators, social services organizations, and businesses. This broad vision will guarantee a fair hearing for all interests. And fairness is clearly an attribute John Vogt possesses that we all have seen.

It is a signal honor for me to rise and nominate the man who will lead this chamber for the next two years—the Honorable John Vogt, President of the Florida Senate.

Senator Peterson recognized Senator Jennings who seconded the nomination of Senator Vogt.

**Senator Jennings:** Mr. President, Senators and friends, on this very special day let me take you back to your childhood when you first heard the fable of the tortoise and the hare. Remember how the wager was made as to who could finish the race first. The hare being the faster of the two animals shot off and gained a substantial lead early in the race. The tortoise, though not nearly as fast, continued diligently down the course. The hare, now way out in front, confident of winning, stopped to take a nap and we know the rest of the story. The tortoise set his goal and worked to accomplish it. The moral of the story is one we should never forget. Our world is full of tortoises and hares. The sad fact is that in our fast-paced society, it is usually the hare who gets all the attention and publicity, while it is the tortoise, because of his determination, that gets results. Let us all strive to be more like the tortoise and less like the hare.

I rise today to second the nomination of a man who, like the tortoise, recognizes that hard work does bring results. Fourteen years ago, John Vogt came to the Florida Senate with the ideals and aspirations we all shared as freshmen—to make our government better.

Like the tortoise, through all those years he has not wavered from that goal. He came with the determination to stand up and speak out for what he thought was right—to work within the system even when he was not always on the winning side. John Vogt is a man who values the process by which we operate. It is the process that allows differing views and opinions to be debated and discussed. "It is the process that recognizes the minority's right to be heard while conceding the majority's right to prevail." The end does not always justify the means—all too often this body is remembered not for the result we reach but for the process by which we reach the result.

The business of politics is the business of victories and defeats—of winners and losers. What we see here today is a political shifting in the Florida Senate that represents what is happening all over the Sunshine State. It is a natural progression. Florida has become a true two party state. Let us not forget why we are Democrats and Republicans. Most of us have

fought too many battles to lay those banners aside lightly. But let us remember we are also Floridians. As members of this body we are all responsible for what takes place here today.

Let us not be blind to our differences—but let us now direct our attention to our common interests and the means by which those differences can be resolved.

John Vogt recognizes that which we all would do well to remember—we here in this body are but agents for the ultimate power—the people. It is the people who will be the judge of all that we do.

You come to know a person when you sit next to him day after day as I have with the Senator from the 17th. You witness first-hand the standards they set for themselves and others. Under John Vogt's guidance, this body will be managed with integrity and fairness. This Senate will be a fertile ground where progressive ideas can grow—where critical needs of the urban and rural areas will be addressed. John Vogt is an engineer. Engineers are trained to build—not tear down. Engineers take dreams and ideas and translate them into reality. They build upon a foundation a structure that is strong and sound that will withstand the elements of nature and last through changing times. John Vogt will be the Florida Senate's engineer, taking our dreams of a better Florida and translating them into reality.

It is with great pleasure that I second the nomination of the Senator from the 17th, John Vogt, for President of the Florida Senate.

Senator Peterson recognized Senator W. D. Childers who further seconded the nomination of Senator Vogt.

**Senator W. D. Childers:** Mr. President, I rise to further second the nomination of John Vogt as President of the Senate.

John has faithfully and conscientiously served the Florida Senate and the people of Florida for the past 14 years.

His leadership ability was recognized by past Senate Presidents who selected him to chair important Senate committees.

He was selected as the Most Effective Member of the Florida Senate by his colleagues.

He is recognized as a leader in such critical areas as the environment, growth management, health care, transportation and economic development. He worked on these and other issues quietly and effectively and sought no personal recognition.

As a professional engineer, he is uniquely qualified to lead the Senate and the State of Florida in this era of unprecedented growth.

It is an honor and a pleasure to further second the nomination of John Vogt as President of the Florida Senate.

Senator Peterson recognized Senator Stuart who placed in nomination the name of Senator Ken Jenne of the 32nd Senatorial District.

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

The roll was called on the election of the President and each Senator voted as follows:

For Senator Vogt—27:

Barron	Dudley	Johnson	Peterson
Beard	Grant	Kirkpatrick	Ros-Lehtinen
Childers, D.	Grizzle	Kiser	Scott
Childers, W. D.	Hair	Langley	Thomas
Crawford	Hill	Lehtinen	Vogt
Crenshaw	Hollingsworth	Margolis	Woodson
Deratany	Jennings	Myers	

For Senator Jenne—13:

Brown	Jenne	Plummer	Weinstock
Frank	Malchon	Stuart	
Girardeau	McPherson	Thurman	
Gordon	Meek	Weinstein	

Senator Jenne moved that a unanimous vote be shown for the election of Senator John W. Vogt as President of the Senate. The motion was unanimously adopted.

On motion by Senator Kirkpatrick that a committee be appointed to escort Senator Vogt to the bar of the Senate and then to the rostrum, Senator Peterson appointed Senators Deratany, Hill, Hollingsworth and Hair. Senator Vogt was escorted to the bar of the Senate where the oath of office was administered to him by The Honorable Rosemary Barkett, Justice, Florida Supreme Court, and then to the rostrum where he was seated.

On motion by Senator Langley that a committee be appointed to escort Mrs. Tonie Vogt, wife of the President, to the rostrum, Senator Peterson appointed Senators Margolis, Scott, Thomas and Kiser. Mrs. Vogt was escorted to the rostrum where she was received by Senator Peterson, presented to the Senate and seated beside the President.

Senator Peterson presented the gavel to the President.

#### The President presiding

The President introduced members of his family and guests as follows: wife, Tonie, daughters Suzanne Dosal, Vicki Vogt, D'Anna Bouton and her husband Gary; and friends Mr. and Mrs. Jim Swann and Mr. and Mrs. Malcolm Kirschenbaum.

The President announced that nominations would now be received for President Pro Tempore for a term of two years, and recognized Senator Don Childers who placed in nomination the name of Senator John A. Hill of the 33rd Senatorial District.

**Senator D. Childers:** I would like to place in nomination for President Pro Tempore, Senator John Hill from the 33rd District in Dade County. John is a native Floridian born and raised in Miami and a graduate of Miami High. He is married to Vivian Carlson of Miami and they have three children; John, Allen and Kathy and are blessed with a 6 month old granddaughter.

John has been and is presently involved in many civic and business clubs in Hialeah and Dade County.

He is an Insurance Executive and he has served both in the Florida House and the Florida Senate for a total of 12 years.

He has served as majority leader in both the House and Senate.

He is Chairman of the Corrections, Probation and Parole Committee and has served on all major committees in the Florida Senate. During the 1986 Session he was prime sponsor of nine major bills dealing with the corrections problems of this state, in total he has passed in excess of 60 bills.

Approximately 2500 years ago—a preacher stated that to everything there is a season. A time to be born, and a time to die, a time to plant, and a time to pluck up that which is planted. A time to heal and a time to build up. A time to weep, and a time to laugh, a time to mourn, and a time to dance. A time to cast away stones, and a time to gather stones together, a time to embrace, a time to keep silence, and a time to speak—a time to love, and a time to hate, a time of war and a time of peace. This is the time for peace in the Florida Senate—the time that we pull together as one body to work on behalf of all the people in this great state—I believe that Senator John Hill can help to accomplish this goal—therefore it is my pleasure to nominate Senator John Hill as President Pro Tempore.

The President recognized Senator Deratany who seconded the nomination of Senator Hill.

**Senator Deratany:** Mr. President, members of the Senate, it gives me great pleasure to second the nomination of Senator John Hill for the office of President Pro Tempore of the Florida Senate.

John Hill has demonstrated to his constituents that he is an effective representative of their interests. He has shown his colleagues, during his tenure, that he is an active committee member, and an able committee chairman. For the past two years, he has provided strong leadership as Chairman of the Corrections, Probation and Parole Committee.

But public service and government are not new to John Hill. In both the House and Senate, he has participated with distinction. In 1976-78, Senator Hill served as House Majority Floor Leader, and in 1982-84, he served as Senate Majority Leader. So, as you can see, John Hill's leadership qualities have been recognized in the past, as well as the present, and I'm sure they will be recognized in the future.

Two weeks ago, the people of this state spoke out loud and clear about their government. They know that the State of Florida is about to fulfill its destiny as the most dynamic growth state in the nation, and with that knowledge, they elected a Governor who will provide the vision and wisdom to cope with the problems associated with this continued surge of growth.

Our Senate President, John Vogt, recognizes these problems and will be leading the Senate in the quest for solutions. The Pro Tempore must be able to express the President's philosophy and strive to help accomplish his goals. I can think of no one better qualified for this position than Senator John Hill. It is with great pride that I second his nomination as President Pro Tempore of the Senate of the State of Florida.

The President recognized Senator Gordon who placed in nomination the name of Senator Larry Plummer of the 39th Senatorial District.

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

The roll was called on the election of the President Pro Tempore and each Senator voted as follows:

For Senator Hill—27:

Mr. President	Deratany	Jennings	Myers
Barron	Dudley	Johnson	Peterson
Beard	Grant	Kirkpatrick	Ros-Lehtinen
Childers, D.	Grizzle	Kiser	Scott
Childers, W. D.	Hair	Langley	Thomas
Crawford	Hill	Lehtinen	Woodson
Crenshaw	Hollingsworth	Margolis	

For Senator Plummer—13:

Brown	Jenne	Plummer	Weinstock
Frank	Malchon	Stuart	
Girardeau	McPherson	Thurman	
Gordon	Meek	Weinstein	

Senator Beard moved that a unanimous vote be shown for the election of Senator John Hill as President Pro Tempore of the Senate. The motion was unanimously adopted.

On motion by Senator Plummer that a committee be appointed to escort Senator Hill to the bar of the Senate and to the rostrum, the President appointed Senators Johnson, W. D. Childers, McPherson and Gordon. Senator Hill was escorted to the bar of the Senate where the oath of office was administered to him by The Honorable Rosemary Barkett, Justice, Florida Supreme Court, and then to the rostrum where he was received by the President.

On motion by Senator Kiser that a committee be appointed to escort Mrs. Vivian Hill, wife of the President Pro Tempore, to the rostrum, the President appointed Senators Meek, Weinstock, Weinstein and Grizzle. Mrs. Hill 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 addressed the Senate as follows:

**Senator Hill:** Mr. President, friends and fellow Senators, I just want to convey to you my feelings and tell you how much I appreciate the opportunity to work in this position and to work with the man who is going to be our President for the next two years. I am just overwhelmed. It's certainly the high point of my life. I certainly appreciate your being here to share it with us.

I would also like to say something on behalf of my family. Vivian and I didn't believe in early marriages, we waited until we were nineteen. Our children are somewhat scattered all over the country or they would be here with us today. We have one in Long Beach, California, one in Ohio, and one in Atlanta, Georgia. Our children are the greatest assets we have, and credit for that goes to Vivian, who did the most in bringing them up. We have been very fortunate.

I thank you once more and if there is anything I can do to help any one of you, please don't hesitate to call on me at any time. Thank you very much, and thank you, Mr. President.

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

Joe Brown was nominated for Secretary of the Senate by Senator Scott. Senator Thurman seconded the nomination and on motion by Senator Thurman nominations were closed.

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

The President announced that nominations would now be received for Sergeant at Arms of the Senate for a term of two years.

Wayne Todd was nominated for Sergeant at Arms by Senator Hair. Senator Beard seconded the nomination and on motion by Senator Beard nominations were closed.

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

On motion by Senator Frank 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 Hollingsworth, Dudley, Lehtinen, Brown, Grant, Ros-Lehtinen and Weinstock. The committee was excused to perform its duty.

On motion by Senator Malchon that a committee be appointed to notify the Governor that the Senate was convened for the purpose of organization, the President appointed Senators Barron, Jennings, Stuart, Jenne, Woodson and Scott. 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 that its duty had been performed. The President thanked the committee and the committee was discharged.

#### The President's Address

I wish to humbly thank the members of this Senate for bestowing upon me the highest honor that this body can confer. This is truly a milestone that I will measure and treasure throughout my life. Your support, your confidence, and your faith are deeply appreciated. The warm friendships that I have with so many of you have been a guiding light to sustain my passage through fourteen years in this Senate to this touching event today.

I want to thank all my friends and supporters back home who have been with me through many campaigns. Without their help, I would not still be in this Senate to enjoy this humbling experience.

And let me not forget my business associates, who have suffered through many absences and things left undone on behalf of the Senate, and who know that the next two years will be much more of the same. Without their understanding, this would not be possible.

I would like to give special thanks to my family, Tonie, Suzanne, Vicki, D'Anna and her husband Gary who are here today. Their love and support have nourished me through many cloudy days. In thanking them, I would like to salute all the families of the Senate for being a part of our lives. They can never experience quite as high a thrill as we do in our victories, but they always suffer a deeper agony than we do in our defeats.

We become battle-scarred, and we resolve to cover our hurt and live to fight again another day. They suffer our hurt and their hurt, and they wonder if there will be another day. If you have not told your family lately that you love them, let me urge you to do so. They pay a heavy price for our participation in this process.

I want to welcome and congratulate the incoming freshmen, as well as the re-elected Senators. All of you former House members will think that you have died and gone to Heaven when you discover how great it is to be in the Senate. And to our novice freshman Senator Woodson, who is a bright new addition to this chamber, you will find many people willing to help you learn the ropes, especially the outstanding professional staff that we have been blessed with for many years.

You will notice that the seating has been rearranged to its former pattern of seating by districts rather than seniority. There were many requests for this, and you will find it much easier to remember district numbers when Senators are seated in order. Besides, it is easier to keep an eye on the Dade bunch when they are all together on the back row.

We will make some changes before we meet again, primarily to recognize leadership positions, so that will get at least one Dade Senator off the back row. Senator John Hill, the President Pro Tempore will occupy the seat that Betty Castor had. In addition to being ready to fill in for the President, Senator Hill has some unfinished business in the corrections reform that he has so diligently pursued the last two years. But he wants most of all to help bring the Senate together and make it fun again, to enjoy this distinction. When somebody that big says he wants you to have fun, it is difficult to not look happy. Luckily he is a gentle giant, and he will do a great job.

The principal agenda for this coming session of the Legislature has already been set, and it revolves around the Growth Management Study Commission report on the growth-related needs of Florida and the funding sources to meet those needs, and also the sunset of many of the sales tax exemptions.

I suspect that many of you supported the sales tax sunset, not with the intent of eliminating all those exemptions, but with the intent of focusing public attention on whether a need really existed for each exemption, and putting each exemption advocate on an even footing with regard to justifying the merit of the exemption. Had the Legislature been certain of its desire to eliminate the exemptions, it could have repealed them effective this year, rather than postponing such until next year. Our task will be to analyze the exemptions and the public interest they purport to serve.

Many of the affected professions and businesses will advance strong arguments to maintain the exemptions, and no doubt some will be. But let us not forget that the general public and the business community will pay these taxes, not the provider of the goods or services, and to them it will be a tax increase, and their reaction will be unmistakable when the impact is felt. We must not shrink from our task in anticipation of that reaction; rather, we must strive for a sales tax exemption program that meets a uniformity of thought and merit. When government is fair and even-handed and meets the test of common sense, our people will accept it. It is when we fail to meet those goals that we undermine the public confidence.

The objective we should seek is ideally one that matches the real needs of growth management with a fair and uniform sales tax. If we can accomplish that in this next session, we will ensure our worthiness as an outstanding Legislature even if we accomplish nothing more.

Complicating this process is the possibility of a significant revenue increase for our budget. I am told that the sales tax exemptions amount to some \$1.3 billion in potential new revenue. The growth in existing revenues is projected at some \$0.7 billion, the lottery may bring in \$0.3 billion, and changes in the federal tax law may enrich our coffers by \$0.2 billion. These total some \$2.5 billion, and experience has taught me that the infusion of that much new money will result in much of it being unwisely spent. In short, our pork barrel will runneth over unless we have a well-defined and defensible program of public purpose needs—principally in the area of growth management—to justify such spending.

My initial thought is that such a task will be too difficult for a part-time Legislature to responsibly address in the short months ahead and spend the money wisely. I do not close the door on such a possibility; I am always prepared to be proven wrong.

Clearly then, we must closely analyze the reported infrastructure needs and costs and assure ourselves of any distinctions between needs and wants, if such exist. Before committing such anticipated amounts to the public welfare, we must be sure that welfare is being justifiably served. Otherwise, we should not permit such an increase in revenues to come to the fore in one year.

With the anticipation that we will receive recommendations for other taxes such as gross profits taxes, or local sales taxes, or increased gasoline taxes, this will be a heady time. Our purpose must be clear: to identify the public need, and to responsibly address it. If we are sure of our actions, no one can fault us. We must neither turn our backs on real needs, nor be stampeded into funding false ones.

We are clearly on a political hot-seat, but it is one of our own making, and we must rise to the occasion. We created the Growth Management Study Commission to tell us about the state's infrastructure needs and how to fund them, and we passed the sales tax sunset in the name of tax reform and as a potential growth management funding source. These two actions have now borne their fruit, and the opportunity is thus ours to demonstrate the leadership that our campaigns have so loudly heralded to our constituents. Make no mistake—this journey into next June will be a difficult one. It will require much hard work for each of you to adequately consider the needs of your people and how they will pay for the solutions, and then to consider the same questions in a statewide fashion regardless of your district.

Education is always on our agenda, as it is a dominant service that government provides, and one that strikes home with all of us. We have made many major changes in the past few years, and under this condition I would hope that we would be content with fine-tuning those changes. This is not to say that we should not change regardless of circumstances. If we are driving too many youngsters out of our schools with academic standards that they cannot attain, then we must consider their needs. If we are failing to provide adequate vocational training where it is appropriate, we should take steps to improve that situation.

Clearly we have been on a quest for excellence and accountability in education in the recent past. In my view, much public support for the lottery was on behalf of an improved educational system. I believe that we have a public trust responsibility to implement the lottery, and that we should direct the proceeds toward educational improvement, obviously we must dedicate the funds to identifiable programs if we would use the funds to augment education funding. Otherwise, the Legislature can give with one hand what it takes away with the other. I have no preconceived ideas on whether the funding should go to career ladder, merit schools, or any of a number of programs, but it should be showcased in such a manner that its impact can be seen and felt.

With regard to implementation of the lottery, experience has shown that special sessions are a poor time to deal with issues that have significant public questions attached, a prime example being the unitary tax.

Special sessions can make it easy for the leadership, because typically the members do not want to be here, there is inadequate public testimony, there is insufficient time for a reasoned consensus to develop, and thus the leadership finds it easier to push through whatever goal it seeks. For these very reasons, special sessions should be avoided whenever possible in the interest of sound public policy. The leadership needs just as much enlightenment as each member, and that comes through a deliberative process.

I will recommend that this issue be held until the regular session, and it is my intent to appoint a select committee to address the many public questions concerning the implementation of a state lottery.

I will not go into detail today on the developing issues of crack cocaine, prison overcrowding and reorganizing the Departments of Transportation and Health and Rehabilitative Services, or any of the many other issues that we face. We may well be addressing the first two in the near future in a special session. Fortunately, there has been some groundwork laid in the crack cocaine problem, and we have the benefit of substantial experience in dealing with prison overcrowding.

The reorganization issues can be considered at the appropriate time by the affected substantive committees. I have assured Governor-elect Martinez that we are receptive to the prospect of reorganization in these agencies that have long had difficulties, that we are poised neither to rubber stamp nor to reject out of hand, and that we are prepared to work with him in a bipartisan spirit to improve government in ways that can only benefit the people of Florida. Such is indeed the public purpose to which we were all elected, and such will be our goal.

The list of committee assignments that you will receive after adjournment have had many hours—late night hours—of time and effort in their preparation. I have attempted to recognize your requests—where such existed—as well, as your abilities, your experience, geography, and other factors.

I have tended to keep the committees smaller than in recent years, especially those that had expanded considerably. I think they work better that way, and membership has a significance rather than a commonality. I could not put all 39 of you on Commerce, Education, and Appropriations, so I know that some of you will be disappointed.

With the Republican Senators being a viable minority in this body and a major strength in the bipartisan effort behind this presidency, they will have more power than ever before. With this opportunity they will also face great challenge. It is far easier to criticize another's solutions to difficult problems than it is to have the responsibility to find solutions yourself.

This Senate has long been structured on philosophical bases rather than partisan ones. What we do here today represents a more formalized acknowledgement of what has long existed. With the long friendships, the trust and the confidence that we have, we have an exciting opportunity to participate in a bipartisan Senate with a Democratic House and a Republican Governor, to seek meaningful solutions to Florida's problems, and to not be hamstrung by the philosophies of either party. I welcome this opportunity, and I think that Florida will be better for it.

In closing, I want to extend an offer of peace and the hand of friendship to all who serve in this body. Regardless of who we are or where we come from, we all have a responsible role to play in this Senate, and the right to play that role; participation and opportunity should be open to everyone and I stand ready to assist you all in that regard. You are elected to represent your people, and their agenda deserves to be heard. You are a Senator, and that is all the identification you need.

Binding our wounds will be difficult, but bind our wounds we must. This Senate is bigger than any of us, and it—and the people—demand our best. In looking at the healing process that we must undergo, and the efforts that we must individually make, I leave you with the words of John Donne, which could be transferred to our cause:

"No man is an island, entire of itself.

If any little clod be washed away, the land is the less.

Therefore, never ask for whom the bell tolls; it tolls for thee."

Thank you, and God bless.

#### Motion

On motion by Senator Barron, the foregoing address by the President, the remarks by the President Pro Tempore and nominating and seconding speeches for President and President Pro Tempore were ordered printed in the Journal.

### COMMITTEE APPOINTMENTS

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

#### STANDING COMMITTEES AND SUBCOMMITTEES

##### Agriculture

Senator Hollingsworth, Chairman; Senator Peterson, Vice-Chairman; Senators Beard, Crawford, Dudley, Kirkpatrick, Stuart, Thomas and Weinstock

##### Appropriations

Senator Scott, Chairman; Senator D. Childers, Vice-Chairman; Senators Beard, Brown, W. D. Childers, Grant, Grizzle, Hair, Hollingsworth, Jennings, Kirkpatrick, Langley, Lehtinen, Margolis, Myers, Peterson and Thomas

*Subcommittee A:* W. D. Childers, Chairman; Senators Beard, Hollingsworth, Jennings and Langley

*Subcommittee B:* Senator Peterson, Chairman; Senators Grizzle, Hair, Kirkpatrick and Lehtinen

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

##### Commerce

Senator Jennings, Chairman; Senator Barron, Vice-Chairman; Senators W. D. Childers, Deratany, Gordon, Hair, Langley, Scott and Thomas

##### Corrections, Probation and Parole

Senator Hill, Chairman; Senator Woodson, Vice-Chairman; Senators Hollingsworth, Malchon, McPherson, Peterson and Stuart

**Economic, Community and Consumer Affairs**

Senator Margolis, Chairman; Senator Kirkpatrick, Vice-Chairman; Senators Frank, Girardeau, Meek, Ros-Lehtinen and Thurman

**Education**

Senator D. Childers, Chairman; Senator Peterson, Vice-Chairman; Senators Gordon, Johnson, Meek, Myers, Ros-Lehtinen, Thurman and Woodson

**Executive Business**

Senator Grizzle, Chairman; Senator Dudley, Vice-Chairman; Senators Kiser, Myers, Plummer, Weinstein and Weinstock

**Finance, Taxation and Claims**

Senator Deratany, Chairman; Senator Crawford, Vice-Chairman; Senators Crenshaw, Dudley, Johnson, Kiser, Malchon, Plummer, Stuart, Weinstein and Woodson

**Governmental Operations**

Senator Kiser, Chairman; Senator Jenne, Vice-Chairman; Senators Brown, Johnson, Margolis, McPherson and Scott

**Health and Rehabilitative Services**

Senator Myers, Chairman; Senator Ros-Lehtinen, Vice-Chairman; Senators D. Childers, Gordon, Grant, Plummer and Woodson

**Judiciary-Civil**

Senator Langley, Chairman; Senator Grant, Vice-Chairman; Senators Crenshaw, Dudley, Frank, Jenne and Weinstein

**Judiciary-Criminal**

Senator Johnson, Chairman; Senator Crenshaw, Vice-Chairman; Senators Beard, Brown, Grant, Jenne and Lehtinen

**Natural Resources and Conservation**

Senator Crawford, Chairman; Senator Grizzle, Vice-Chairman; Senators Brown, W. D. Childers, Kirkpatrick, Lehtinen, McPherson, Thomas and Weinstock

**Personnel, Retirement and Collective Bargaining**

Senator Hair, Chairman; Senator Lehtinen, Vice-Chairman; Senators Crenshaw, Frank, Hill, Malchon and Meek

**Rules and Calendar**

Senator Barron, Chairman; Senator Langley, Vice-Chairman; Senators D. Childers, Crawford, Deratany, Hair, Hill, Jenne, Jennings, Johnson, Myers, Ros-Lehtinen and Thomas

**Transportation**

Senator Beard, Chairman; Senator Stuart, Vice-Chairman; Senators Deratany, Girardeau, Hill, Jennings and Kiser

**JOINT COMMITTEES****Administrative Procedures**

Senator W. D. Childers, Chairman 1986-87; Senators Frank and Kiser

**Advisory Council on Intergovernmental Relations**

Senator Plummer, Alternating Chairman 1986-87; Senators Malchon, Myers and Woodson

**Legislative Auditing**

Senator Kirkpatrick, Alternating Chairman 1986-87; Senators Hair, Johnson, Scott and Thurman

**Legislative Information Technology Resources**

Senator Stuart, Alternating Chairman 1986-87; Senators Deratany and Girardeau

**Legislative Management**

Senator Crenshaw, Alternating Chairman 1986-87; Senators Brown and Margolis

**Certificate Received**

Pursuant to Rule 1.1, the Minority Party certified to the Secretary the names of Senator Toni Jennings as the Senate Republican Leader, Senator William G. "Doc" Myers as Senate Republican Leader Pro Tempore and Senator Timothy D. "Tim" Deratany as Senate Republican Floor Leader for the term November, 1986 to November, 1988.

**Motion**

Senator Barron moved that the Rules of the Senate which existed at the end of the 1986 regular session be adopted to govern the Senate for the ensuing two years.

Senator Barron moved the following amendment which was adopted:

**Amendment 1**—Items 1 and 2 of Rule 4.3 are amended to read:

1. ~~Prayer~~ *Roll Call*
2. ~~Roll Call~~ *Prayer*

The vote was:

Yeas—26

Mr. President	Deratany	Jennings	Peterson
Barron	Dudley	Johnson	Ros-Lehtinen
Beard	Grant	Kirkpatrick	Scott
Childers, D.	Grizzle	Kiser	Thomas
Childers, W. D.	Hair	Langley	Woodson
Crawford	Hill	Lehtinen	
Crenshaw	Hollingsworth	Myers	

Nays—14

Brown	Jenne	Meek	Weinstein
Frank	Malchon	Plummer	Weinstock
Girardeau	Margolis	Stuart	
Gordon	McPherson	Thurman	

The Rules as amended were adopted by voice vote.

The following Senators requested that they be shown as voting nay: Gordon, Margolis, Weinstein

**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 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 yea and nay votes, the President's name shall be called last.

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

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

(b) If for any reason 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
- Corrections, Probation and Parole
- Economic, Community and Consumer Affairs
- Education
- Executive Business
- Finance, Taxation and Claims
- Governmental Operations
- Health and Rehabilitative Services
- Judiciary-Civil
- Judiciary-Criminal
- Natural Resources and Conservation
- Personnel, Retirement and Collective Bargaining
- 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 regul-

ating 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, con-

sider 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. Committee 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 amended:

"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) 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.

Claim bills shall be first referred to a Senate Special Master on Claims who shall conduct a hearing in accordance with the Rules of the Senate having the strictest requirement of notice. The Special Master shall administer an oath to all witnesses, preserve a recording of proceedings (but withhold the transcription until ordered to transcribe by the President), and prepare a final report containing his recommendations based on findings of fact and conclusions of law. The report shall be signed by the Master who shall be available to report orally to committees or the Senate. On receipt of the Master's report and recommendation, the President shall refer each claim bill with the report attached to the Committee on Finance, Taxation and Claims, the provisions of the first paragraph of this Rule to the contrary notwithstanding.

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

#### 4.20—Enrolling

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

### 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 rec-

orded, 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 herein-after 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.

#### 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 amend-

ment, (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 rec-

ommendation 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".

#### ADJOURNMENT

On motion by Senator Barron, the Senate in Organization Session adjourned sine die at 2:07 p.m.

#### CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 23, 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 18th day of November, 1986, adjourned at 2:07 p.m. on the 18th day of November, 1986.

JOE BROWN  
Secretary of the Senate

Tallahassee, Florida  
November 18, 1986