



# Journal of the Senate

ORGANIZATION SESSION

Tuesday, November 20, 1990

**Journal of the Senate for the Organization Session of the Twelfth 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 20, 1990, being the day fixed by the Constitution for the purpose.**

### CALL TO ORDER

The Senate was called to order by Joe Brown, Secretary of the Senate, at 10:00 a.m.

### Honor Guard

At the direction of the Secretary, the Sergeant at Arms opened the doors of the chamber and an Honor Guard of the Florida National Guard marched into the chamber and placed flags of the United States of America and of the State of Florida on the rostrum.

### PRAYER

The following prayer was offered by Captain James C. Watson, Chaplain for the 3rd Battalion, 124th Infantry, Florida Army National Guard, with headquarters in Panama City. Captain Watson is also Pastor of the Trinity Lutheran Church in Wakulla County.

Heavenly Father, with thanksgiving we come before you for the privilege and opportunity of living not only in this country but in our great state. And therefore, we ask now that you give these, our leaders, your wisdom and your compassion that they may lead the people of Florida forward according to your will. In this time of peril in our country, we ask for your guidance and aid to be given to our national leaders, to our President, to our Congress and our military leaders, that a solution might be found which is both peaceable and just. We especially ask for your protecting hand to be spread over our military personnel in the Mideast. Strengthen and cheer them with the knowledge of your presence and care. Let them know that our thoughts, hearts and prayers are with them also. We ask all these things in your almighty name. Amen.

### PLEDGE

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

### Introduction of Honor Guard

The Secretary introduced special guests and the Honor Guard from the Florida National Guard Headquarters in St. Augustine as follows:

Major General Robert F. Ensslin, Jr., Adjutant General, State of Florida; Brigadier General Richard G. Capps, Assistant Adjutant General, Florida Army National Guard; Captain David Blevins, General's Aide; Sergeant Major Ray Quinn, Noncommissioned Officer in charge of the Honor Guard; Members of the Honor Guard: Staff Sergeant Kenneth W. Wright, Staff Sergeant Kim L. Crist, Staff Sergeant K. Frank Morgan and Sergeant Randy Ponto; Paul Wilson, Senior, Wakulla High School, Drummer; Mr. Chuck Perego, Band Director, Wakulla High School.

The Secretary thanked the Honor Guard and they were discharged.

### Certificate Received

The Secretary announced that The Honorable Jim Smith, Secretary of State, had certified to the election of 21 Senators as follows:

### STATE OF FLORIDA OFFICE OF SECRETARY OF STATE

I, Jim Smith, Secretary of State of the State of Florida, do hereby certify that the following Members of the State Senate were elected at the General Election held on the 6th day of November, A. D., 1990, as shown by the election returns on file in this office:

#### SENATE DISTRICT NUMBER

2	Pat Thomas, Quincy
4	Karen L. Thurman, Dunnellon
6	George Kirkpatrick, Gainesville
8	Ander Crenshaw, Jacksonville
10	Tom C. Brown, Port Orange
12	Quillian S. Yancey, Lakeland
13	Rick Dantzer, Winter Haven
14	Richard Crotty, Orlando
16	Patsy Ann Kurth, Palm Bay
18	Jeanne Malchon, St. Petersburg
20	Mary R. Grizzle, Belleair Bluffs
22	Malcolm E. Beard, Seffner
24	John McKay, Bradenton
26	Eleanor Weinstock, West Palm Beach
28	Robert Wexler, Boca Raton
30	Ken Jenne, Cooper City
32	Howard C. Forman, Pembroke Pines
34	Lincoln Diaz-Balart, Miami
36	Carrie P. Meek, Miami
38	Fred R. Dudley, Cape Coral
40	Javier Souto, Miami



GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this 20th day of November, A. D., 1990.

*Jim Smith*  
SECRETARY OF STATE

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

The roll of the Senate, as then constituted by the 21 newly elected members and 19 holdover members was called by the Secretary in alphabetical order and the following members of the Senate were recorded present:

Bankhead	Diaz-Balart	Johnson	Plummer
Beard	Dudley	Kirkpatrick	Scott
Brown	Forman	Kiser	Souto
Bruner	Gardner	Kurth	Thomas
Casas	Girardeau	Langley	Thurman
Childers	Gordon	Malchon	Walker
Crenshaw	Grant	Margolis	Weinstein
Crotty	Grizzle	McKay	Weinstock
Dantzer	Jenne	Meek	Wexler
Davis	Jennings	Myers	Yancey

A quorum present—40.

### Certificate Received

The Secretary announced that the Minority Party (Republican) had certified the names of Senator Ander Crenshaw, as Minority Leader; Senator Beard, as Minority Leader Pro Tempore; and Senators Johnson and Crotty, as Minority Floor Leaders for the term November 1990 to November 1992.

### Introduction of Former Presidents

The Secretary announced that in addition to former Senate President W. D. Childers, who still serves in the Senate, the Senate was honored by the presence of former Presidents Randolph Hodges; Mallory Horne who was accompanied by his wife, Lou; Dempsey J. Barron who was accompanied by his wife, Terri Jo; Philip Lewis; Curtis Peterson who was accompanied by his wife, Ethel; John Vogt; and Bob Crawford, Commissioner-elect, Department of Agriculture.

### Introduction of Special Guests

The Secretary introduced the following special guests: Lawton Chiles, Governor-elect; Buddy MacKay, Lt. Governor-elect; Jim Smith, Secretary of State; Betty Castor, Commissioner of Education; and Bob Butterworth, Attorney General.

### ORGANIZATION

The Senate proceeded to the organization of the Body.

### Nominations for President

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

The Secretary recognized Senator Thomas who placed in nomination the name of Senator Gwen Margolis of the 37th Senatorial District.

**Senator Thomas:** Thank you Secretary Joe Brown. My colleagues in the Senate, their spouses, distinguished cabinet members, former presidents, former Senators Chiles and MacKay, families and friends. We are here today to make history as I place in nomination the name of my colleague and good friend, the Senator from the 37th, Senator Gwen Margolis.

In the words of one of our democratic forefathers, "Some people look upon any setback as the end. They're always looking for the benediction rather than the invocation—but you can't quit. That isn't the way our country was built."

Those words are fitting tribute for today, for we are looking at the invocation—the beginning—of our future, not the end—of our goals and aspirations.

We have a candidate who epitomizes that message in Gwen Margolis. She is a very special person. She cherishes each person's uniqueness. Gwen is a successful businessperson, a serious negotiator, a strong chairperson, and a committed Senator. She is also the first woman ever to have her name placed in nomination to serve as president of the Florida Senate.

She is the first senator from Dade County to be placed in that position since Senator Frederick Hudson served in that capacity in 1909. To put both of these accomplishments in perspective, we should note that when Senator Hudson served as Senate President, women were still 11 years away from receiving the right to vote!

I am humbled by my opportunity to participate in the occasion here today, for of all my colleagues in all my years in the Senate, I can think of no one more suited to the particular challenges we face today than Gwen Margolis. She has the abundant fairness, the superior strength, the total commitment to lead this distinguished body. No one comes more prepared.

Gwen has served on 14 committees during her nine years in the Senate. She has served on Commerce, Rules and Calendar, Education and Judiciary-Civil. She has chaired the Finance and Tax Committee where she protected our agricultural interests; the Economic, Community and Consumer Affairs Committee where she nurtured the municipal and local government needs; the Personnel, Retirement and Collective Bargaining Committee where the little people's interests were protected, and the Appropriations Committee.

She has proven again and again that she has the stamina, fortitude, tenacity and keen intellect to lead this Senate.

Before being elected to the Senate, Gwen served three terms in the House of Representatives. She has left an indelible mark in business as a broadcaster, realtor, appraiser and developer. She is very active in professional and civic activities and has received numerous awards from business groups, education groups and chambers of commerce.

Gwen brings to us a special perspective from her successful business career, as well as her favorite role as a mother and a grandmother. She is the only one who thought ahead and included her grandchildren in the Senate handbook. Mary Ann's and my grandchildren will be there this year. She has at all times extended to me her most genuine concern and friendship and I am sure she has done the same to all of you. She has shared with me those moments of agony and frustration we all suffer along with the exhilarating peaks of success. She has truly cared whether I succeeded in my goals.

Now let me comment a moment on the fact that Gwen comes to this position today from Dade County. I know that at times the 500 miles between Tallahassee and Miami seem like they are light years apart rather than an hour's plane ride. As a veteran senator from North Florida, I welcome Gwen's leadership, for I know that she cares about all of our state: the pine forests in my district, as well as the populous boulevards of our urban cities, the needs of the state employee struggling on minimum wage, as well as the needs of a stable business community whether it be that small subcontractor struggling to make ends meet, or the large multinational corporations that have joined us.

Gwen has the intelligence and the compassion to know that our differences do not make us weak, they make us strong. She knows that the best and most desirable goal of politics is to bring people together rather than to shut people out, to speak of the values of the future rather than of the past, to seek the possibilities rather than the limitations of life.

I think you would agree that she is the best at bringing together all our differences in the public interest:—men and women, old and young, rich and poor, people of all races and religions, and yes, Democrat and Republican. Gwen's rise to prominence marks a celebration of the unity that exists in the Florida Senate.

And let me tell you she is not here to serve only as a woman, or only as a south Floridian, or only as a Democrat. She is here as the best qualified individual in this Senate to lead us into the nineties, to help us accomplish our best in these challenging times.

It gives me great pleasure to place in nomination the name of my friend, our colleague, Senator Gwen Margolis. Thank you.

The Secretary recognized Senator Thurman who seconded the nomination of Senator Margolis.

**Senator Thurman:** Mr. Secretary, Senators, I rise to second the nomination of Senator Gwen Margolis as President of the Florida Senate and to echo the eloquent remarks of Senator Thomas. As we elect Gwen Margolis today, the media will report she is the first woman to serve in this capacity, both in Florida and nationally. But, we who elect her—men and women from Miami to Pensacola—know this is not her sole mark in history. It is the crowning jewel, the culmination of years of unselfish public service.

Who better to lead this Senate to meet these challenges than a person who has succeeded in raising four wonderful children, succeeded in the business world and succeeded in the political arena for 16 years as both a member of the House of Representatives and as a member of the Senate.

As we begin this last decade of the 20th century, we, the leaders of Florida, will chart the course for the 21st century.

John Naisbitt, in *Megatrends 2000*, has reaffirmed that Florida is a bellwether state. In that volume Naisbitt concludes that: "The most exciting breakthroughs of the 21st century will occur not because of technology but because of an expanding concept of what it means to be human."

The human values that we establish in this chamber will be the values that our future generations will carry with them into that next millennium.

We begin this decade facing the need to provide health care to our citizens, to set a water policy for our future, to undertake budget and tax reforms, and most important, to rebuild the confidence of the people in their government.

But, as we undertake these tremendous challenges, we can be comforted in the fact we will have a person to lead us who is sensitive to all of these issues and to the human needs of our constituents. It is because of this concern—"this caring"—that we have selected Gwen Margolis to lead this body.

This term of leadership will not be what this Senate has experienced in years gone by from the great men whose portraits encircle this chamber. Although they led us from statehood, through reconstruction, the great depression, the pork chop days and reapportionment, the good ole boys, as they are fondly remembered, now make room for our own Gwen Margolis. Perhaps the words of John F. Kennedy 30 years ago are even more appropriate now: "It is time for a new generation of leadership, to cope with new problems and new opportunities. For there is a new world to be won." This is a new era when our leaders must forge consensus, must honor the thoughts and goals of their fellow Senators. Fortitude—drive—and decisiveness.

Senator Margolis has proven her metal when put to the test. She can lead, she can fight and she can win. What Senator Margolis brings to us is strong, fair leadership. Leadership in a truly bipartisan body where Democrats are Democrats and Republicans are Republicans, no deals for power and no two-party coalition.

The only coalition that we will have under Gwen Margolis is the coalition for good government that we, as 40 individual senators, must forge to serve this state and our constituents.

She will challenge us as we have never before been challenged; motivating us to make the inexhaustive sacrifices of our time, our energy and our imaginations. We will know, as her constituents know, that Gwen Margolis will not ask us to give what she will not give of herself.

It is this experience, this service, this human spirit, that brings us to the conclusion that Gwen Margolis singularly has what we need in this Senate to bring us together to provide the cornerstone to build for the 21st century.

The Secretary recognized Senator Weinstein who further seconded the nomination of Senator Margolis.

**Senator Weinstein:** Mr. Secretary, Senators and honored guests, I am pleased and proud to rise to second the nomination of Senator Gwen Margolis to serve as the next President of the Florida Senate.

You know that times have changed dramatically for women in the Florida Legislature since Edna Giles Fuller was elected the first woman representative in 1928. She confronted a political establishment that only six years earlier had prohibited women from voting at all.

Now in 1990, Senator Gwen Margolis will be the first woman in history to preside as President of the Florida Senate. Of course, during her 16 years in the Florida Legislature, Senator Margolis has often found herself blazing the trail for women in leadership positions.

In 1982, she became the first woman to chair the Senate Finance, Taxation and Claims Committee (my first committee assignment as a freshman Senator)—and in 1988, she became the first woman to chair the Senate Appropriations Committee. In this capacity, our next president has clearly proven her ability to lead this Senate by presiding over some of the toughest and tightest budgets in recent history.

Under her guidance, we were able to direct limited state resources to many of the areas most critically in need of funding—areas like education, child care, criminal justice, transportation and the environment.

With all of these accomplishments, Senator Margolis has shown great concern for the families of our state as she also has demonstrated as a loving daughter, mother and grandmother.

This year, we will again face many challenges in governing the fourth largest and fastest growing state in the nation. The opportunities are great—with Senate, House, and executive officials committed to working closely together.

But cooperation alone will not serve to guide us—we need great leaders to focus our attention on achieving concrete results that will improve the

quality of life for the people of Florida. I firmly believe that Senator Gwen Margolis is the person to lead us toward that goal which we all share.

A reporter once interviewed Sir Winston Churchill and asked, "What do you say, sir, to the prediction that in the year 2000 women will be ruling the world?" Churchill smiled his wise, old-cherub smile and said, "They still will?"

But only recently have women been called upon to assume the leadership of governments in our country and around the world. Women such as: Indira Ghandi, Margaret Thatcher, Corazon Aquino, Mary Robinson and Golda Meir. So, too, are we about to select a woman of courage, foresight, strength of character, fairness and integrity to lead the Florida Senate.

In Hindu mythology, the God Twa-Shrie described the creation of woman:

He took gaiety of sun; tears of mist; hardness of diamond; cruelty of tiger; sweetness of honey; heat of fire; and chill of ice. He melted them and mixed them and created woman.

I like to think of our next Senate President in these terms. She has the gaiety of the sun in her desire for human happiness. Tears of the mist in her compassion for human misery. Hardness of diamond and cruelty of tiger towards oppression and injustice. Sweetness of honey in understanding human frailties. Heat of fire in devotion to the people of our great state. And chill of ice toward prejudice. Melt these qualities and mix them and you have our next Senate President.

I therefore consider it a high personal privilege and honor to hereby second the nomination of my friend and colleague, Senator Gwen Margolis, as President of the Florida Senate.

The Secretary recognized Senator Davis who further seconded the nomination of Senator Margolis.

**Senator Davis:** Mr. Secretary; Governor-elect Lawton Chiles; Lt. Governor-elect Buddy MacKay; all past presidents; first woman to serve on the Florida Supreme Court, Rosemary Barkett; first woman to serve on the Florida Cabinet, Betty Castor; and other cabinet members and fellow and sister colleagues.

This is a historic moment in the annals of Florida government and indeed in the annals of state government throughout the United States. Most certainly, it is a watershed in the lives of all women of America because Gwen Margolis is not only the first woman to be the President of the Senate in Florida, but the first woman of any state in the nation to be a state Senate President.

When I was first elected to the House of Representatives in 1974, this new female colleague from Dade County seemed so reserved and unassuming, but I was soon to discover her quiet effectiveness. We had both sponsored a bill that deferred property taxes for the elderly. I was proceeding at a snail's pace, facing one obstacle after the other. Then Gwen took over! Suddenly the hostile finance chair favored the bill, the hostile committee members voted for it and before you could blink an eye, it was unanimously passed into law by both House and Senate. I was never to underestimate her capabilities again.

As Jefferson said: "It is part of the American character to consider nothing as desperate; to surmount every difficulty by resolution and inspiration." She so characterizes these qualities.

She is an enigma in that being brought up in an upper middle class family, she has never seen the face of privation and yet the legislation she has sponsored has expressed all the pain she feels at the obscenity of poverty and has expressed the respect and awe she maintains for the capacity of the earth's wretched to hope and to endure.

When you examine her record and realize the courage and bravery she has displayed and the impact she has had on the quality of life in Florida, it is mind boggling. From major condominium reform legislation regarding escalation clauses and recreational leases where she bucked big developers, to energy assistance grants for the elderly where she confronted the utilities industry, to the insurance coverage of routine mammograms, because cancer is the number one killer of women, where she withstood the onslaughts of the insurance industry, she has been persistent, persevering and invincible.

She husbanded the passage of an important, little heralded bill to force

health maintenance organizations to pay into a guaranty fund—to assure that subscribers are not stranded without care if their HMO goes bankrupt. She forced automakers to swallow a tough lemon law and played a key role in moving the auto insurance bill through the Senate.

She has never advocated the heroics of people convinced that they are about to change the world. But she personifies the heroism of those who are willing to struggle to make one small difference after another.

Leaders must be tough enough to fight, tender enough to cry, strong enough to absorb the pain and resilient enough to withstand pressure and keep moving forward. Gwen is all of these.

She has a commitment to the human race and a desire for a unity of purpose that shows a greatness far beyond her quiet demeanor.

In 1988, the *Miami Herald* described her thusly: “Margolis is almost exclusively a behind-the-scenes player. She works quietly through the system keeping a sharp eye for her constituents and tactfully using her leverage over business-related issues as chair of the Senate Economic, Community and Consumer Affairs Committee. She is considered a strong negotiator and mediator using these skills while dealing with rival interest groups.”

She has a kind of austere passion, a fire of life inside of her that is tamped down and under control, but is there—as palpably as a bed of coals in a fireplace. She lives with a purpose and she expects others to live that way, too. She has a sense of focus and concentration that is very rare and valuable, and that has earned her the respect of friend and foe alike.

Since her divorce in 1976 where her net worth was listed at \$200,000, she has parlayed that amount to this year's financial disclosure of \$4.5 million, and if you have ever seen her in an Appropriations Committee meeting, you can readily understand how she has done this. Her mind works like a computer. She can add numbers and conceptualize ideas faster than any human being I have ever seen. Her background in real estate, media and finance has given her a great appreciation for the free enterprise system. She has worked hard to create a favorable climate for business in Florida.

She is extremely generous with her wealth. She is known as the “Godmother of Florida International University,” not only in securing state funds for them but for personally establishing scholarship funds for minority students. She has fought discrimination and prejudice all of her life and she has given extensively to church and human rights activities for the alleviation of intolerance and bigotry.

For the last 14 years she has brought up her four children single-handedly. She knows that there are many times that you call on all your physical resources and you pray that you still have them. She knows too, all the lonely nights when you don't know what tomorrow can bring—and so she can speak so well for all the single parent families—both men and women—in Florida, but she has been so well rewarded by her children's fine academic achievements and current professional attainments—Eddie, Ira, Karen and Robin—and her two beautiful grandchildren—Sarah and Jeffrey.

In the past two years, she has chaired the Appropriations Committee where her fair-minded consideration of the needs of the state have garnered accolades from considerable competing interests who have recognized her painstaking efforts to be impartial and equitable in handling her committee's responsibilities. At the same time, she has served on eight other committees, where her tie-breaking votes have served as catalysts for change in this state.

She has distinguished herself by establishing many firsts—she helped to create the first day care center in North Miami—even before she was elected to office. She was the first woman selected to serve on the Rules Committee. She was the first woman to chair the Senate Finance and Taxation Committee. She was the first woman to chair the Senate Appropriations Committee.

Gwen Margolis' ascendancy to the Senate Presidency is a symbol to all women of Florida's future. She isn't just one woman—she is the collective dream of many women and the promised future of our nation's daughters. She is a prophetic mirror—the looking glass of women who will be doctors, lawyers, corporation presidents and, yes, even our United States President. She has given to politics, perception, concern and sensitivity. She forecasts for us all—those women who will succeed in the future—our daughters—and our daughters' daughters. Her courage and vitality are the sparks that will unite a new society of prosperity, equality and love—where the American woman is no longer a second-class citizen and where she shares 50-50 in the benefits and beauty of America.

Plato said: “Great souls are not those who have less passion and more virtue than common souls, but only those who have greater designs.” There is a new resurgence of hope in Florida's future because of the vision and the perceptions of Gwen Margolis.

In a state that took 50 years—the last one in the nation—to pass the 19th Amendment giving women the right to vote—it is particularly notable and praiseworthy that we are the first to set this precedent-shattering example to elect a woman Senate President.

So it is with much homage at this great milestone in our nation's history that I have the privilege and the honor to second the nomination of Senator Gwen Margolis for Senate President.

#### Further Nominations for President

The Secretary recognized Senator Jennings who placed in nomination the name of Senator Jim Scott of the 31st Senatorial District.

**Senator Jennings:** Thank you Mr. Secretary. Senators, friends in the gallery, I think as Senator Thurman pointed out earlier, we are a body of Democrats and Republicans. I think perhaps the time has come that this body recognize that we are Democrats and Republicans. The time has come that we have a nominee from each of our political parties for the office of President.

About a year ago, both of our parties met in caucuses. Senator Margolis was nominated from the Democratic caucus. The Republican caucus nominated a person who had worked throughout his political career to extend the Republican Party, who had worked throughout his career in the Senate to come to a point of experience. I think that's important as we look back on those we choose that they have the experience to lead; that they've had the opportunities to work through our committee system; that they've had the challenges of being a leader, in the case of our nominee, a Republican Leader; also the leader of the Appropriations Committee; and the leader of the Rules Committee.

Our nominee had all these experiences. He also had an experience that we all have—being involved in political parties—the internal fights. We have all done it, the Democrats and the Republicans. We fight among ourselves much as families do, and yet we provide a united front. I think that it is important that we remember. It happens among political parties. It happens in the Florida Senate. Yet the front that we will provide the people of Florida is the best legislation that we can offer them and the best kind of government. We will do that as a united Senate.

But as the Republican caucus looked at its members and it looked around, it found among it one man that we felt could be a man of inclusion, that could bring people together. We nominated Senator Jim Scott because of his experience and his background.

The elections showed us different things—not all that we wanted to hear or see. I had hoped to be standing here today making a little different kind of nominating speech. I speak, however, with no less pride and with no less conviction about the person I'm about to nominate. The Republican journey has been long and our road got a little bumpy on us. The wagon got a little light. But the destination is the same. I believe that perseverance will bring us to that destination one day. I know that when we arrive at that destination, that at the forefront of our leadership will be Senator Jim Scott. So it is with a great deal of personal pride and pleasure that I place in nomination the name of my friend and our colleague, Jim Scott, for President of the Florida Senate.

The Secretary recognized Senator Beard who seconded the nomination of Senator Scott.

**Senator Beard:** Mr. Secretary and Senators, I rise to second the nomination of my very, very good friend, Jim Scott. You know, not unlike many other places, you appreciate good friends. In the Florida Senate, you cherish that friendship. That's how I feel about Jim Scott. He's always been there when I needed him. I've been observing him for over ten years. He's a very capable, talented man—chairing some of our most important committees, Appropriations, Rules and others. I've seen him be fair. I've seen him work hard.

I observed him work hard during this campaign for his party so that we could become the majority party for the first time in the history of Florida. We didn't make that. We lost. Actually, we didn't lose, Jim. We got beat. I also was here election night again observing this man who handled all of his assignments with poise and dignity. He took the statewide news report, the fact that we lost, again with poise and dignity, a very gracious

loser. Just a few hours later, he was addressing the Republican members of this Senate, again rising to the occasion and encouraging us, advising us to stand behind and work with our new President, Senator Margolis, to make her tenure in office a very successful one and certainly one in the best interests of the people of Florida. So it is with a great deal of pride and pleasure that I second the nomination for Senator Jim Scott.

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

**Senator Langley:** Thank you Mr. Secretary and honored guests. It is a privilege that I rise to second Senator Scott's nomination. I've been one of the thorns in his side in the minority party for some time and I have fallen in behind and in complete support of Senator Scott because of his record here in the Senate. Senator Scott came in 1976 and was immediately elected the "Most Outstanding Freshman Senator" in the body. He has been a leader in this body. He came into my office to get me to run for the Senate in 1980, but don't hold that against him. He's otherwise a good guy.

You know we have seen quite a march in this Senate by the Republicans. In 1980, when I came there were 13 of us. In 1982, after reapportionment, we fell to eight. There were only eight of us here when I was Minority Leader in that term. Senator Beard moved over to the right party and became our ninth and upon the death of Senator Carlucci, Ander Crenshaw, in an interim election, became our tenth. In that election year, we gained five more to go to 15. In the subsequent election, we gained two more to go to 17. And we thought that we were going to gain four more to go to 21, but something happened out there. But it is only a bump in the road. We are going there and we are proud to have a leader like Jim Scott to lead us there. I'm very proud to second his nomination. Thank you.

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

**Senator Myers:** Fellow Senators and official guests and past presidents, I rise with deep humility to further second the nomination of James Scott as Senate President. Newly elected Republican Senators, whether they came from the House or whether they came from other government or just out of the citizenry as a whole, always seem to be attracted to Jim Scott, because of his knowledge, because of his experience, because of his sage advice and his reasoned thinking, whether it be the business of the Senate, or in the field of politics in general. He becomes a true friend to every one in the Republican Party. I can tell you as the past Minority Leader when we had 17 members, often times we had 17 different versions of what we wanted to do. His was always that reasoned voice that pulled us together. He had a chance to show his leadership ability, under coalitions, in the Judiciary, in the Rules and in the Appropriations. That opportunity gave us the highlights of what leadership under Jim Scott would be. He is not an arm twister. He has the quality of charm and he is nondemanding. Yet he gets us to our goals that we have set. He is compassionate, and deep feeling and I think I have called him, because he is from Kentucky, a true southern gentleman. It is with great honor that I second the nomination of James Scott as Senate President. Thank you very much.

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

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

For Senator Margolis—23:

Brown	Gardner	Malchon	Walker
Bruner	Girardeau	Margolis	Weinstein
Childers	Gordon	Meek	Weinstock
Dantzler	Jenne	Plummer	Wexler
Davis	Kirkpatrick	Thomas	Yancey
Forman	Kurth	Thurman	

For Senator Scott—17:

Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kiser	Souto
Casas	Grant	Langley	
Crenshaw	Grizzle	McKay	
Crotty	Jennings	Myers	

The Secretary recognized Senator Scott for remarks.

**Senator Scott:** Thank you Mr. Secretary. First of all, I want to thank my Republican colleagues, and especially the ones that spoke today, for those nice remarks and for the support that you have given me, not only in this last year, but throughout my career here in the Senate. I want to be the first to officially congratulate Senator Gwen Margolis on her election as President and I want to make just a few short remarks. You know, when I first came to the Senate, I was unspoiled by any service in the House, as many of my colleagues that are here. I took very little retraining that we sometimes have when we get new people over here from the House. But one of the first things I learned is that Senate tradition is that we have elections and then elections are over. Members of the Senate may go home and they may have opponents from the opposite party whether they be Democrats or Republicans and when the elections are over, they come back to the Senate and back to this very collegial body. This year, we had some elections, some folks were even unopposed, and some elections were rougher than others and some of you new folks got here in some pretty rough elections, so I've heard. What I want to say to you is that we have now had the last election today, when we elect Senator Margolis and the Pro Tempore to come, the elections are over. And we are here to conduct the people's business and we may differ as to our viewpoint and we may differ as to our philosophy and we may differ as to what the solution should be. We may even differ as to what government's role really should be in society. We will hear messages and we have heard messages from the people and we must listen. We are here to do the best job and that's going to require that all of us function and work together. It will require the vision and hard work of each and every one of you Senators to meet the challenges that we face. We all have to be creative thinkers and problem solvers for the people of Florida. I think the Senate is a great institution and I've been proud to serve in it. I know that I'm going to be proud to serve with all the new members as I have been with the old and in a spirit of that cooperation in this institution.

Senator Scott moved that a unanimous vote be shown for the election of Senator Gwen Margolis as President of the Senate. The motion was unanimously adopted.

On motion by Senator Kirkpatrick that a committee be appointed to escort Senator Margolis to the bar of the Senate and then to the rostrum, the Secretary appointed Senators Meek, Childers, Forman and Malchon. Senator Margolis was escorted to the bar of the Senate where the oath of office was administered to her by The Honorable Rosemary Barkett, Justice, Florida Supreme Court, and then to the rostrum where she was seated.

#### Introduction of President's Family

The Secretary introduced the family of Senator Margolis as follows: Rose Liedman, mother; Steve and Marilyn Liedman, brother and sister-in-law; Mindy Dorman and Suzanne Liedman, nieces; Edward and Debbie Margolis, son and daughter-in-law; Sarah Margolis, granddaughter; Jeffrey Margolis, grandson; Ira Margolis, son; Karen Margolis, daughter.

The Secretary presented the gavel to the President.

#### The President Presiding

##### Election of President Pro Tempore

The President announced that nominations would now be received for President Pro Tempore for a term of two years, and recognized Senator Brown who placed in nomination the name of Senator Winston W. "Bud" Gardner, Jr. of the 17th District.

**Senator Brown:** Madam President, In his little book, *Laughter in Appalachia*, Fred Park tells a story about a man named Quill. Quill lived way back in the woods where he hunted and fished all the time. Quill didn't pay any attention to the hunting seasons or the fishing laws, but he knew the woods better than the game warden.

The game warden had been trying to catch Quill for a long time. Then came the day. He knew Quill would be up early to go fishing. So the game warden sneaked down in the middle of the night to hide in the woods until Quill got up to go fishing, and then he would follow and catch him in the act, and with the illegal fish.

As it started to get a little bit of daylight, the game warden could hear Quill get up, start a fire, and put the coffee on. His stomach started growling at the smell of that coffee and those fresh-baked biscuits. He could hardly contain himself.

Suddenly, out walked Quill on the porch and hollered, "Come on down here and git some of this coffee and biscuits while they are hot! I know you're out there." He turned, went back inside and shut the door.

The game warden could not believe it. He got up from his hiding place, walked up on the porch and into the house. When Quill greeted him, he asked, "How did you know I was out there?" "I didn't," Quill said. "I walk out on the porch and say that every morning, just in case you are!"

Quill may not have been a genius, but he knew enough to prepare. As Bobby Knight, the famous basketball coach at Indiana once said, "The will to succeed is important, but I'll tell you what's more important—it's the will to prepare."

It is my great honor today to place in nomination the name of one who has had the will to prepare.

The testimony of Senator Gardner's preparation is the distinguished political career he has enjoyed with its numerous legislative achievements; the many positions of influence and leadership he has held; and most of all, the high esteem and respect in which he is held.

I cannot think of how one would be better prepared for the position Bud is about to occupy than he is. Prepared with the strength of conviction; prepared with the desire to serve; and prepared with the loyalty to assist our President in whatever way called upon to do so. And prepared in character because we know him to be a man whose word is his bond, and that is rare in these times.

Graham Greene once observed, "There is always one moment when the door opens and lets the future in." The door is open and the future is now, and Bud is prepared.

Senators, it is with great pride and personal pleasure that I nominate Senator Bud Gardner of the 17th Senatorial District for President Pro Tempore of the Florida Senate.

The President recognized Senator Girardeau who seconded the nomination of Senator Winston W. "Bud" Gardner, Jr.

**Senator Girardeau:** Madam President, Governor-elect Chiles, Lt. Governor-elect MacKay, cabinet members, and distinguished guests. In an effort to express my views as to why I am proud to second the nomination of Bud Gardner for the position of President Pro Tempore of the Senate, I should explain the conditions under which I first met Bud. He was the "New Kid on the Block" in the House of Representatives in 1978. He didn't act like a new kid. In fact he was the Commanding Officer of a U.S. Marine Reserve attack squadron then stationed at Jacksonville. By his active flying, he became an associate of the Speaker-elect, who was an avid flying enthusiast and self-styled pilot. He thus had personal contact to recognize Bud's leadership qualities. In only his second term, Bud was given committee assignments that placed him right into the political and operational fray of the House of Representatives. Bud was accustomed to a fight and he excelled in "maneuvering" to the most advantageous position. Any one of us who has been in the military knows that there are no politics played in the military—right? Need I mention that Bud was amply prepared for the task of legislator both by his military experience and his five years on the Brevard County School Board?

As I recall, during his second term, he joined the leadership of the House and remained there until his election to the Senate, almost a decade later.

It is worthy to note here that Bud is entering his second term here in the Senate and not only has he joined leadership, but he will also make history as the first to hold the offices of Appropriations Chairman and President Pro Tempore at the same time.

Bud Gardner is a team player. He is also an able strategist in the area of appropriations, where he has served for more than a decade in both houses.

Is he a liberal? Is he a moderate or is he a conservative? I don't know how each of you would label him. But I know him as a senator who is a fiscal conservative but defies definition beyond that as to labels.

Bud is the kind of senator that I hope most of us are—one who represents their constituents in the manner in which they wish to be represented.

He is a leader and as such, he leads well because he also follows well. As a team player, he is loyal and if he gives you his word—it's firm—you can count on it. He's tough, especially in appropriations matters—I think that he likes to say "No!"

Above all, I have found Bud to be fair. And these are the reasons that I take pride in seconding the nomination of Winston "Bud" Gardner as President Pro Tempore and I look forward to serving the last two years of my legislative career working with Bud Gardner as Senate President Pro Tempore of the Florida Senate.

I take great pleasure in seconding the nomination of Winston "Bud" Gardner for Senate President Pro Tempore.

The President recognized Senator Gordon who further seconded the nomination of Senator Winston W. "Bud" Gardner, Jr.

**Senator Gordon:** Madam President, Senators, I rise to second the nomination of Senator Gardner. I think one measure of my respect for Senator Gardner is the fact that I rise as an ex-infantry private to second the nomination of an officer in the well-publicized Marine Corps. This shows you the depth of my strong feeling about Senator Gardner. I think, too, that it's important to understand some things about Senator Gardner. While you can say about a lot of people in this body and in politics that you know where they stand, it's the fact that you not only know where he stands, but his stands come from a vision of what this state ought to be and of what the country ought to be.

He knows what is right and what's the right way to get there. The second part of that sentence is crucial—that there are a lot of people who see some objective, push very hard to get it and don't understand that the process by which you get there has to be a process of integrity and of commitment and of understanding. That's what makes Bud Gardner an outstanding senator. That's what made him an outstanding representative. He's knowledgeable, he's willing to listen and to learn. But he understands that we have a process that requires integrity, that requires knowledge, requires courtesy, requires understanding, but requires someone to stick to their guns when they know they are right. That's the kind of senator Senator Gardner is. That's the kind of President Pro Tem he is going to be. That's the kind of appropriations chairman he's going to be. I'm very proud that I have the opportunity to second his nomination.

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 in the affirmative by saying "Bud Gardner." The vote was:

Yeas—39

Madam President	Davis	Johnson	Scott
Bankhead	Diaz-Balart	Kirkpatrick	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Bruner	Girardeau	Langley	Walker
Casas	Gordon	Malchon	Weinstein
Childers	Grant	McKay	Weinstock
Crenshaw	Grizzle	Meek	Wexler
Crotty	Jenne	Myers	Yancey
Dantzler	Jennings	Plummer	

Nays—None

On motion by Senator Jenne that a committee be appointed to escort Senator Winston W. "Bud" Gardner, Jr. to the bar of the Senate and to the rostrum, the President appointed Senators Dantzler, Weinstock, Walker and Kurth. Senator Gardner 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 Plummer that a committee be appointed to escort Mrs. Gardner, wife of the President Pro Tempore, to the rostrum, the President appointed Senators Wexler, Davis, Yancey and Weinstein. Mrs. Gardner 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 who addressed the Senate as follows:

**Senator Gardner:** Thank you. Your remarks were most gracious and I do truly appreciate them. A special thanks to you, Madam President, for your kind introduction of my wife Jerol.

A day like today could not pass without thinking about family and friends. I'm sorry my Mom and Dad couldn't be here today. My sister

Anne is here though, and I'll introduce her in a minute. You see, I was the first person in our family to graduate from college. Our Mom and Dad are always so proud of what we do. We didn't have a lot of money when Anne and I were growing up and I remember the sacrifices they made to ensure that I had a good education. They don't like to think of themselves as elderly, but they are, and their health just wasn't good enough to allow them to travel here from their home in Daytona.

My sister Anne Philpot is here from Greenville, Alabama, along with her husband Kenny and son Jodie. My son Buddy is here with his wife Debbie and my grandson Dustin. My daughter Betty is here. My wife Jerol has already been introduced, but you know that our wives and husbands suffer a lot more agony in this political process than we do as members and I thank her for putting up with it.

Those of you who are in business know the strains service in the legislature can put on business relationships. Dave Griffith and I have been business partners for six years. During our 16 year friendship, we have never had a cross word pass between us. I'm especially pleased that he could be here today with his wife Ann. One special friend to both Gwen and me is here from south Florida, Russ Post.

Many of us who serve today have had the opportunity to witness a number of historic occasions in our tenure in the Florida Legislature. In 1984, we saw Representative Elaine Gordon elected as the first woman Speaker Pro Tempore in the Florida House of Representatives and Senator Betty Castor elected as the first woman President Pro Tempore in the Florida Senate. In 1986, Representative Jim Burke became the first black Speaker Pro Tempore in Florida's history and just two years ago, Senator Arnett Girardeau became the first black President Pro Tempore. Today we have elected the first woman as Senate President. That's not only a first in Florida, Senator Margolis is the first woman elected by her peers to serve in that position in the United States. She is there because of her proven abilities, her dedication and her hard work. Madam President, please accept my sincere congratulations.

In the 12 years that I've been privileged to serve in the Florida Legislature, I've developed a deep respect for this institution. As members of this body, you and I share the same frustrations, the same joys in our victories and the same feeling of mutual respect that we gain as we go through the rigors of a democratic form of government, as we do our best to represent the people who sent us here, and as we do the business of the people of Florida.

The problems we will face during the next two years are very similar to those in our recent past. Florida's population growth has slowed a little but it's still very strong. We have seen the demands growth has made on Florida's financial resources even when the economy was good. Well, now we're looking at about the same growth rate and the economy is not so good. Florida is a wonderful place. It's also a wondrous place. Much of our population is transient. Many who retire to Florida really only exile themselves to Florida until death and then have their bodies shipped back home for burial. That makes it difficult to develop a sense of community in Florida and only exacerbates the problems you and I face. But I believe we're ready for the challenge.

Well, we had some difficult campaigns this year, but they're over now and the elections are behind us. Now it's time to turn to the business at hand, the business our constituents sent us to do. We can only succeed if we travel this road together. Gwen's going to need your help. I know I'm going to need your help. And I'll gladly give you mine.

Thank you for this honor you've given me today.

#### Election of the Secretary

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

**Senator Thomas:** Madam President, I rise to nominate as our Secretary and Parliamentarian, Joe Brown.

Those of you who have been here know we've got to have him and you newcomers will soon learn that he is an important and necessary part of the operation of this Senate.

Joe enjoys an excellent reputation among his peers in all the legislatures in our nation. He has served as president of all the legislative organizations to which we belong.

We get all this at no extra money, Madam President, so I think we ought to keep Joe now that we have him trained.

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

**Senator Crenshaw:** Madam President, I would like to second the nomination of Joe Brown and echo the things that Senator Thomas has said about him. Joe Brown has had a long and varied career, and when he speaks of the rules you'd better listen. I second the nomination.

On motion by Senator Crenshaw, nominations for Secretary were closed.

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

#### Election of the Sergeant at Arms

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

**Senator Weinstein:** Madam President and members of the Senate. It is my great pleasure and honor to nominate Wayne W. Todd, Jr., as Sergeant at Arms of the Florida Senate.

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

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

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

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

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

**Senator Beard:** Madam President, Senators. I am happy to second the nomination of Wayne Todd. He is someone we all know and we all love—those of us who have served in the Senate. You know as you pass through this world, you meet some outstanding and decent people. Wayne is one of those people. Wayne Todd is someone who has been honored by all his counterparts, as has been mentioned before—throughout the nation. He is considered one of the best Sergeant at Arms in the United States. I've been observing him through all this political intrigue that happens every two to four years. He would put Joe Montana of the 49ers to shame the way he can sidestep and zig and zag, and never abuse any privileges and treat us all fairly and squarely. For that we appreciate him so much. He does an outstanding job. I am happy to second his nomination.

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

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

#### CONSIDERATION OF RESOLUTION

On motion by Senator Thomas, by unanimous consent—

By Senator Margolis—

**SR 2-Org.**—A resolution relating to the Florida National Guard.

WHEREAS, on August 2, 1990, President Saddam Hussein of Iraq ordered 120,000 combat troops to initiate a pre-dawn strike against the oil-rich, but small country of Kuwait, and

WHEREAS, within hours, Iraqi tanks overwhelmed the Kuwaiti forces, securing the capital, Kuwait City, and forcing the Emir to flee by helicopter to Saudi Arabia, and

WHEREAS, this unprovoked aggression against Kuwait has destabilized the Middle East region and interrupted the supply of oil to countries around the world, thereby creating global economic uncertainty, and

WHEREAS, Saddam Hussein has threatened to invade Kuwait's neighbor, Saudi Arabia, and has further warned that he would make the region a graveyard for anyone who tried to oppose him, and

WHEREAS, Saddam Hussein's aggression has been officially condemned individually by the nations of the world and collectively by resolution of the General Assembly of the United Nations, and

WHEREAS, the United States, with support from the countries of Western Europe, the Arab countries of the Middle East, the Soviet Union, and others has deployed troops to Saudi Arabia to prevent further aggression by Iraq and to accomplish the return of Kuwait's legitimate government, and

WHEREAS, National Guard troops and Reserve troops have been called to active duty not only to protect the interests of the United States, but also to restore peace and stability to the Middle East and the world community, and

WHEREAS, National Guard troops now play a crucial part in the Total Force Policy of the United States since this country committed itself to an all-volunteer army in 1973, and

WHEREAS, the Pentagon has relegated many critical support specialties to the National Guard and Reserve troops, and

WHEREAS, National Guard units, in conjunction with Reserve units, now comprise 67 percent of the Army's truck companies, 65 percent of its chemical-decontamination experts, and 100 percent of its water-purification and distribution personnel, and

WHEREAS, the members of the Florida National Guard, who serve with distinction, stand prepared to support and fight side-by-side with the American troops called by the President into service in the Middle East, and

WHEREAS, the Fort Lauderdale National Guard and the Lake Wales National Guard, together totaling more than 400 dedicated Americans, the 221st Explosive Ordinance Detachment out of Camp Blanding comprising 1 officer and 9 enlisted personnel, and the 269th Engineer Company out of Live Oak comprising 6 officers and 147 enlisted personnel, have been alerted that their mobilization and deployment are imminent, and

WHEREAS, the Senate fully appreciates and supports the members of our state's National Guard and recognizes the sacrifices that members of the National Guard make for our state and nation, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida National Guard, the Fort Lauderdale National Guard, the Lake Wales National Guard, the 221st Explosive Ordinance Detachment out of Camp Blanding, and the 269th Engineer Company out of Live Oak are commended for their service to the state and to the nation both at home and in the Middle East.

BE IT FURTHER RESOLVED that copies of this resolution with the Seal of the Senate affixed be presented to the Florida National Guard, the Fort Lauderdale National Guard, the Lake Wales National Guard, the 221st Explosive Ordinance Detachment, and the 269th Engineer Company as tangible tokens of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Thomas, **SR 2-Org.** was read the second time in full and adopted. The vote was:

Yeas—39

Madam President	Diaz-Balart	Johnson	Scott
Bankhead	Dudley	Kirkpatrick	Souto
Beard	Forman	Kiser	Thomas
Brown	Gardner	Kurth	Thurman
Bruner	Girardeau	Langley	Walker
Casas	Gordon	Malchon	Weinstein
Childers	Grant	McKay	Weinstock
Crenshaw	Grizzle	Meek	Wexler
Crotty	Jenne	Myers	Yancey
Dantzler	Jennings	Plummer	

Nays—None

All Senators voting were recorded as co-introducers of **SR 2-Org.**

The President, upon commending the National Guard, announced that one of the Senate's own, Assistant Sergeant at Arms Donald Severance, had been called up for active duty. He and his unit will be leaving for the Persian Gulf this week.

The President requested Senator Kirkpatrick to escort Major General Ensslin; Brigadier General Capps; and Assistant Sergeant at Arms Donald Severance to the rostrum where they were presented copies of the resolution.

#### Committees Appointed

On motion by Senator Bruner 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 Dantzler, Crotty, Weinstock, Meek, Diaz-Balart, Grizzle and Walker. The committee was excused to perform its duty.

On motion by Senator Casas that a committee be appointed to notify the Governor that the Senate was convened for the purpose of organization, the President appointed Senators Scott, Weinstein, Crenshaw, Souto, Childers, Johnson and Grant. 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

Thank you for your confidence. My standing before you today acknowledges the fact that this is a new day in the Florida Senate. I am grateful for the opportunity to serve you and the people of this state. I thank you for this great honor. It was not easy for me to reach this historic moment. Easy, however, is not in my vocabulary. I caution anyone who thinks the next two years will be easy.

I offer special thanks and love to my family; they have been a great source of strength to me. My mother Rose Liedman. My children and grandchildren, Sarah and Jeffrey, bring me the special joy and comfort that only a family can provide. I'd particularly like to thank Patti Cerra and my staff for their patience and commitment to see this day a reality. Let us now look ahead. The Florida Senate will have a weighty two years. I have every intention of facing all problems head on. I need your help to succeed! Let's not be consumed by petty bickering that derails the achievement of our goals. As you may have figured out by now, losing is not in my vocabulary either. A coach is nothing without her team. I now feel assured this team is with me, and we will work together for the good of the people of this state.

This new day in the Florida Senate depends on the amount of sunshine we are willing to shed on ourselves. We will prove today that we are prepared to dispel the impression that influence takes precedence over the peoples' business in this Senate. Our Joint Ethics Committee bill is among the toughest of its kind in the nation. We must be accountable to the people who have elected us. This afternoon we will take up and pass landmark legislation, to assure the public that their elected officials will conduct themselves with the highest of standards.

It is time to keep faith with the voters. Florida's elderly deserve an agency designed to focus on their needs alone. In 1988, Floridians mandated a Department of Elderly Affairs, and now they will have it. We owe our parents and grandparents this kind of attention. Their needs have been put on the back burner for too long. We will fulfill our obligation to them.

This country is in the midst of an economic recession. Florida is *not* faring well. . . . Unemployment in our state is now higher than the national average. This has never happened before. In the past, the high percentage of elderly in this state who don't require jobs and live on transfer payments stabilized our economy. That has not happened this past year.

Let us aggressively rekindle the effort to attract new clean industry into our state to provide the much needed employment. *We must create jobs!*

The tourism and construction industries are in a dramatic decline. Three major factors compound the problem: the threat of war in the Middle East, rising gasoline prices and banks *not* willing or able to lend. During a recession, families don't indulge in luxuries like vacations so tourism declines. High gasoline prices for those who drive and fly to Florida is compounding the problem even further. So, our state revenues decline. We must, and my administration will, make the protection and strengthening of our tourism industry a major priority.

Developers, after going through lengthy permitting procedures, now have difficulty obtaining the needed financing to build their projects. Their workers, in turn, have the fear of losing a job. As consumers, they stop spending on the big ticket items. Once again, state revenues decline. We are now faced with a revenue shortfall in excess of a billion dollars for a continuation budget in the next fiscal year.

We must look to the worldwide markets for our resolve. The Legislature began last year by creating a framework for this effort. I want to build our position in the international marketplace. To that end, I have established a new Committee on International Trade, Economic Development and Tourism, to *get that job done*.

Let's look to the education community to prepare our Florida students for a new day. Let's keep our children where they belong, in Florida.

During the last decade, the community colleges and the state university system have become leaders in serving the growing needs of the business community. We know that the quality and availability of a state's educational system is a major factor in attracting companies interested in relocating or expanding. We need our universities to offer a wide array of graduate programs and sophisticated research capabilities. Our business development centers must aggressively continue to support small businesses so they can develop, grow and expand. Let's look at our public school system. Administrators argue that increased flexibility with state money will increase quality and efficiency. We need the assurance that if we loosen the reins, the result will be increased accountability at the local level.

It is time to find out where and how much money is going into all the K-12 programs we have created. There needs to be a mechanism in place so we can oversee the implementation of all the reforms we have mandated in prior years. In order to assure accountability for all levels of education, I want to guarantee that no educational issue is examined in isolation. Therefore, I am combining the two education committees and advising the new chairman that assessment and accountability in education is one of my top priorities.

When children in the care of the state are hurt, or die for lack of proper attention, it pains every Floridian. The Department of Health and Rehabilitative Services has swollen beyond its ability to function. Unless we streamline this agency, we will never solve the delivery of service problems. Today, I will establish a select committee to examine ways to reorganize the Department of Health and Rehabilitative Services so it can do a better job of serving its clients.

The reapportioning of this state will be the most difficult and personal task undertaken during my administration. I pledge to each senator, fair redistricting. There will be no trickery, no treachery. The walls that have divided us for the last five months have now come down.

Let me conclude by saying I welcome the opportunity to work with our new Governor, Lawton Chiles.

Difficult decisions lie ahead. But, I have never known the members of this chamber to cower in the face of a challenge. We will lead the right way for Florida, not the easy way. We must renew the people's confidence in us. Let us capture their confidence with innovative solutions. Let's battle Florida's problems, not each other. I am sure you will join me as we begin this new day in the Florida Senate, with a goal to make our state the number one destination for tourists, the number one destination for business, the state that has agencies that function smoothly and efficiently and an education system that will prepare our children to face a modern, high tech world. I thank you.

## MOTIONS

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

Senator Thomas moved that the Rules of the 1990 Regular Session, with an amendment to Rule 2.1 as indicated, be adopted to govern the Senate for the ensuing two years.

Senator Johnson moved as a substitute motion that the Rules of the 1990 Regular Session, with the recommended amendment to Rule 2.1, but excluding Rule 11.3, be adopted. The motion failed.

The motion by Senator Thomas was adopted.

## 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, President Designate, President Pro Tempore Designate, Minority Leader, and Minority Leader Pro Tempore; designation of Majority Leader

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

##### 1.2—Calling the Senate to order

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

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

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

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

The President shall sign all acts, joint resolutions, resolutions, and memorials. No writ, warrant, subpoena, or authorization for payment or other papers shall issue without the signature of the President. The President shall approve vouchers. He shall decide all questions of order, subject to an appeal by any Senator. As necessary, the President is authorized to incur travel and per diem expenses for the next session of the legislature. The President of the Senate and the Chairman of the Com-

mittee 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; (4) notices of committee meetings; and (5) notices of meetings required pursuant to Rule 1.44. 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—Violations; hearings, penalties**

Any person may file a sworn complaint with the chairman of the Committee on Rules and Calendar, alleging a violation by a Senator of the Rules regulating conduct and ethics. The complaint shall state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, and shall identify the specific Rule(s) believed by the complainant to have been violated by the Senator. Upon a determination by the chairman that there are sufficient grounds for review, the complaint shall be referred either to the committee or, at the option of the chairman, to a special master, for a hearing. The committee or special master may adopt rules of procedure for conduct of the proceedings. The committee or special master shall give reasonable notice to the Senator who is alleged to have violated the Rules and shall grant the Senator an opportunity to be heard. A special master's report and recommendation is advisory only and shall be made to the chairman as soon as practicable after the close of the hearing. The committee's report and recommendation shall be made as soon as practicable.

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.

**PART FIVE—PUBLIC MEETINGS****1.43—Open meetings**

(a) All meetings at which legislative business is discussed among any two or more Senators shall be open to the public except meetings between two Senators to exchange information provided the purpose of the meeting between the two Senators is not to agree upon final action that will be taken at a subsequent meeting. Discussions on the floor while the Senate is in session and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this rule.

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

(c) For purposes of this rule "legislative business" is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee or Senate Subcommittee.

**1.44—Notice required for certain meetings**

(a) A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary of the Senate. While the legislature is not in regular or special session and during the first fifty (50) days of a regular session, the notice shall be filed not later than the day preceding the day of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed not later than two (2) hours preceding the time set for the meeting:

1. meetings of the President of the Senate (or a Senator designated to represent the President) with the Governor, or with the Speaker of the House of Representatives (or a representative designated to represent the Speaker);

2. meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee;

3. steering meetings of the chairman of the Committee on Appropriations with the chairmen of the standing subcommittees of the Committee on Appropriations; and

4. meetings called by the President or his designee, of a majority of the chairmen of the Senate's standing committees.

(b) Notices of meetings required by Rule 1.44 shall be filed by or at the direction of the person(s) at whose call the meeting is convened; shall state the date, time, and place of the meeting; shall contain a brief description of the general subject matter scheduled to be discussed; and, in the case of meetings requiring a one (1) day notice, shall be delivered to the Secretary's office by 4:30 p.m. on the day preceding the day of the meeting. If such a day is a Friday, delivery shall be by 2:30 p.m. Notices of such meetings shall appear in the daily calendar.

In the event the times required for notice under Rule 1.44 are not sufficient to permit publication in a daily or interim calendar, the Secretary shall post a copy of each such notice on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. The Secretary of the Senate shall make a diligent effort to give actual notice to the representatives of the press of all noncalendared meeting notices posted.

(c) Political caucuses are exempt from the foregoing notice requirements. Political caucuses shall be open to the public in accordance with Rule 1.43 when issues then pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee or Senate Subcommittee are discussed.

**1.45—Violations of rules on open meetings and notice**

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

**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  
   Subcommittee D  
 Commerce  
 Community Affairs  
 Corrections, Probation and Parole  
 Criminal Justice  
 Economic, Professional and Utility Regulation  
 Education  
 Ethics and Elections  
 Executive Business, *Ethics and Elections*  
 Finance, Taxation and Claims  
 Governmental Operations  
 Health and Rehabilitative Services  
   Subcommittee on Health Care  
 Health and Rehabilitative Services Reorganization  
 Health Care  
 Higher Education  
 Insurance  
 International Trade, Economic Development and Tourism  
 Judiciary—Civil  
 Judiciary—Criminal  
 Natural Resources and Conservation  
 Personnel, Retirement and Collective Bargaining  
 Professional Regulation  
 Regulated Industries

*Reapportionment*  
*Legislative Subcommittee*  
*Congressional Subcommittee*  
 Rules and Calendar  
 Transportation

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

## 2.2—Powers and responsibilities of committees

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

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

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

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

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

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

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

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

## 2.4—Committee staffing

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

## 2.5—Committee utilization of federal funds

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

## 2.6—Notice of committee 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 during the first fifty (50) days of any regular session until proper notice is published in the calendar for the legislative day preceding and the day of such committee meeting. Thereafter, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.9 may be held following an announcement by the chairman of the committee or subcommittee or, in his absence, the vice-chairman while the Senate is in session and the posting of a notice on a bulletin board in the public corridor leading to the Senate Chamber for two (2) hours in advance of the 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 notice 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 notice shall be recommitted to the subcommittee reporting same on the point of order made during the standing committee meeting at which the bill was reported by the subcommittee. 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 chair-

man may arrange with the Committee on Rules and Calendar and the Sergeant at Arms for evening or other special meetings. No committee except the Committee on Rules and Calendar shall meet while the Senate is in session without the consent of the majority of the Senate present.

### 2.11—Attendance by sponsor of bill

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

### 2.12—Order of business

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

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

### 2.13—Open meetings

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

### 2.14—Time for consideration of bills

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

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

### 2.15—Standing committee duties in deliberation

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

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

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

In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the

Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). Proposed substitutes shall be filed with the committee secretary no less than two (2) hours prior to any committee meeting at which a recommendation of the substitute is adopted unless the substitute is merely a combination of the noticed bill(s) and amendments offered in compliance with Rule 2.39. Copies of substitutes shall be furnished to committee members' offices immediately upon filing with the committee secretary, and made reasonably available by the committee secretary before the meeting, upon request, to the members of the committee and to the public. 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

All meetings of Senate conferees with House conferees at which the business of the conference committee is discussed shall be open to the public subject to proper order and decorum.

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. All final actions taken in conference committee shall be by motion.

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 by the President to a conference committee, a notice of the following meetings to discuss matters relating to the conference, stating the names of the conferees and scheduled participants, and the date, time, and place for the meeting, shall be filed with the Secretary of the Senate by or at the direction of the person(s) at whose call the meeting is convened, not less than two (2) hours preceding the time for the meeting, and after the fiftieth (50th) day

of a regular session and during a special session, not less than one (1) hour preceding the time for the meeting:

1. meetings between the President (or a Senator designated to represent the President), the Governor, and the Speaker of the House (or a Representative designated to represent the Speaker);

2. meetings between a majority of the members of the conference committee or any subcommittee of the conference committee;

3. meetings between the President or any Senator(s) designated to represent the President and a conferee from the House of Representatives, or any meeting between a conferee from the Senate with the Speaker of the House of Representatives or any Representative(s) designated to represent the Speaker; and

4. meetings of a majority of the Senate conferees; and when the bill or joint resolution that is the subject of the conference committee deals primarily with the general appropriations act or revenue matters, any meeting of three (3) or more conferees on the part of the Senate.

Notice of meetings, as scheduled, between the chairman of the Senate's conferees with the chairman of the House's conferees, or between respective Senate and House subcommittee chairmen with each other, shall be posted on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. In the case of the appropriations conference, said notice shall also be posted on a bulletin board outside the door of the office of the Committee on Appropriations.

All meetings for which notice is required pursuant to this Rule shall be held in the Capitol, the Senate Office Building, or the House Office Building, but shall not be held in the Chamber of either house while it is in session.

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 require participants in the disturbance to 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 certi-

fied 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's 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—Amendments; form, notice, manner of consideration**

No amendment to any measure, which amendment was prepared prior to the committee meeting at which it is offered, shall be considered by that committee unless the amendment was filed with the committee secretary at least two (2) hours before the time the meeting was called to order. Copies of such amendment shall be made reasonably available by the committee secretary before the meeting, upon request, to the members of the committee and to the public. Neither a technical amendment nor an amendment which is prepared by a member of the committee during the committee meeting at which it is offered need be so noticed.

Amendments shall be filed 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 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 resolu-

tions 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 ensure its identification, and each page thereof, as the item introduced in order to prevent unauthorized or improper substitutions. This identification may be made by 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. Sufficient copies of the general appropriations bill proposed to be introduced by the Committee on Appropriations shall be made available to the members and upon request, to the public, at the office of the Secretary of the Senate and at the committee's office, no less than two (2) hours prior to the time the Committee on Appropriations meets to consider the proposed committee bill.

### 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 days for introduction of bills and resolutions**

All bills, including those that are strictly local in nature and those prefiled in accordance with these Rules, shall be referred by the President to appropriate committees or standing subcommittees. Bills received by the President during a regular session and within three (3) weeks next preceding the convening of a regular session shall be referred within seven (7) days. Upon failure of the President to reference such bills within this limitation, they shall be referred to committees as may be recommended by the sponsor. In the event of extended absence of the President or his disability or incapacity, the President Pro Tempore shall assume the duty of referring bills. If the President has not previously designated a standing subcommittee of reference, the chairman of the standing committee shall promptly determine whether such measure shall initially be considered by the full committee, a standing subcommittee, or a select subcommittee appointed by the chairman. The chairman, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chairman of the standing committee shall promptly report this reference and the time allowed for consideration to the Secretary of the Senate on forms provided for the purpose. The reference of a bill that is local in nature shall be to the Committee on Rules and Calendar to determine whether such measure is, in fact and function, local in nature and whether it responds to the legal requirements of a local bill. A bill is local in nature if it does not alter a law of general application throughout the state and affects no more than one county. When the Committee on Rules and Calendar, through staff analysis, has determined a bill is in fact and law a local bill, it shall be reported and referred to the calendar on local bills. When the Committee on Rules and Calendar, through staff analysis, determines a bill is not local in nature, a report stating the reasons therefor shall be furnished to the President of the Senate who shall refer such bill to an appropriate standing committee for hearing. Such determination and report shall be made within fifteen (15) legislative days from date of reference.

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

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

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

In case of multiple reference of a bill, it shall be considered by each committee separately in the order in which the multiple reference is made. However, if any committee to which the bill is referred makes an unfavorable report on said bill, that report shall be filed with the Senate and no further consideration given by other committees except on two-thirds (2/3) 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 of claim bills**

All bills authorizing or substantially affecting appropriations shall be referred to the Committee on Appropriations. All bills authorizing or substantially affecting tax revenue shall be referred to the Committee on Finance, Taxation and Claims. All bills substantially affecting a state-funded or state-administered retirement system shall be referred to the Committee on Personnel, Retirement and Collective Bargaining. A bill that is amended to substantially affect appropriations or tax revenue or

a state retirement program shall, before being placed before the Senate for final passage, be referred along with all amendments to the Committee on Appropriations or the Committee on Finance, Taxation and Claims, or the Committee on Personnel, Retirement and Collective Bargaining, as appropriate for review and recommendation to the Senate which review during the last ten (10) days of a regular Session shall be accomplished within twenty-four (24) hours.

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

b. The provisions of the first paragraph of this Rule to the contrary notwithstanding, all claim bills shall be first referred by the President to a Senate Special Master who shall conduct a de novo hearing, pursuant to reasonable notice, and determine liability, proximate cause and damages. Discovery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law and recommendations. The report shall be signed by the Special Master who shall be available, in person, to explain his report to the committees and to the Senate.

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

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

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

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

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

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

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

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

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

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

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

Each bill or joint resolution shall receive three (3) separate readings on three (3) separate days previous to a vote on final passage unless two-thirds (2/3) of those present decide otherwise. (Constitution: Article III,

Section 7—"Any bill may originate in either House and after passage in one may be amended in the other. It shall be read in each House on three separate days, unless this rule is waived by two-thirds (2/3) vote; provided the publication of its title in the journal of a house shall satisfy the requirement for the first reading in that house. On each reading, it shall be read by title only, unless one-third of the members present desire it 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 recorded, the President shall announce the result to the Senate; and the Secretary shall enter in the Journal the result. When the Senate is equally divided, the question shall be lost.

#### 5.2—Change of vote

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

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

#### 5.3—Casting vote for another

No Senator shall cast a vote for another Senator, nor shall a person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, a Senator who shall vote or attempt to vote for

another Senator may be punished as the Senate may deem proper. Also, a person not a Senator who shall vote wrongfully in the place of a Senator shall be excluded from the Chamber for the remainder of the session.

#### 5.4—Pairing

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

#### 5.5—Explanation of vote

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

#### 5.6—Election by ballot

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

### RULE SIX

#### MOTIONS AND PRECEDENCE

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

Every motion may be made orally. On request of the President, a Senator shall submit his motion in writing. After a motion has been stated or read by the President, it shall be deemed to be in possession of the Senate and, without a second, shall be disposed of by vote of the Senate. The mover may withdraw a motion, except a motion to reconsider, as 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; notice; manner of consideration

No amendment prepared prior to the time a session of the Senate has convened shall be considered by the Senate unless the amendment was filed with the Secretary of the Senate at least two (2) hours before the time that session was called to order. Copies of such amendments shall be made reasonably available by the Secretary of the Senate before the session, upon request, to the members and to the public. Neither a technical amendment nor an amendment which is prepared by a member during the session at which it is offered need be so noticed.

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

#### 7.2—Adoption

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

#### 7.3—Sequence of amendments to amendments

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

#### 7.4—Striking all after enacting clause

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

#### 7.5—Amendment by section

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

#### 7.6—Printing in Journal

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

#### 7.7—Senate amendments to House bills

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

#### 7.8—House amendments to Senate bills

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

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

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

### RULE EIGHT

#### DECORUM AND DEBATE

##### 8.1—Decorum and debate

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

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

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

##### 8.3—Interruptions; when allowed

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

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

The presiding officer shall strictly enforce this Rule.

##### 8.4—Senator speaking, rights

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

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

##### 8.5—Limit on speaking

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

##### 8.6—Limitation of debate

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

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

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

##### 8.8—Questioning right to vote

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

**8.9—Appeals**

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

**8.10—Appeals, debatable**

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

**8.11—Questions of privilege**

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

What is a question of privilege?

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

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

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

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

All persons (except members of the Florida Legislature, or duly authorized aides designated in writing by such members, or those persons excepted by Rule 9.3), who seek to encourage the passage, defeat, or modification of legislation in the Senate or before its committees shall, before engaging in such activity, register with the Secretary of the Senate or Clerk of the House. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with a current member of the legislature.

**9.2—Method of registration**

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

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

**9.3—Registration, exception**

A person who, on an isolated basis and without intent to continue beyond a single legislative day, merely appears before a committee or committees of the Senate in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer, or partner without receiving additional salary or compensation, other than reasonable and ordinary

travel expense, to express support of or opposition to any legislation, and who shall so declare to the Senators or committees with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

**9.4—Obligations of lobbyist**

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

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

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

**9.5—Periodic reports required**

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

**9.6—Advisory opinions**

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

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

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

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

**9.8—Penalties for violations**

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

**9.9—Secretary to provide forms**

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

**9.10—Committees to be diligent**

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

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

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

**10.2—Exception**

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

**10.3—Admission of press by President**

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

**10.4—Recognition of guests**

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

**10.5—Attire**

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

**10.6—Gallery**

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

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

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

**11.2—Waiver and suspension of Rules**

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

**11.3—Changes in Rules**

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

**11.4—Majority action**

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

**11.5—Uniform construction**

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

**11.6—General**

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

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

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

**12.2—Executive session; purpose**

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

**12.3—Executive session; vote required**

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

**12.4—Work product confidentiality**

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

**12.5—Separate Journal**

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

**12.6—Violation of Rule**

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

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

(a) Except as otherwise herein provided, on receipt by the Senate of appointments or suspensions on which action by the Senate is required, the President shall refer each to the Committee on Executive Business, other appropriate committee or to a Special Master appointed by the President. Either one shall make inquiry or investigation and hold hearings, as appropriate, and advise the President and the Senate with a recommendation and the necessity for deliberating the subject in executive session. Reports and findings of the committee or the Special Master

appointed pursuant hereto are advisory only and shall be made to the Senate President. The report of the committee or the Special Master may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or he may refer it to the Committee on Rules and Calendar for its consideration and report. When the report is presented to the Senate in open session or received by the Committee on Rules and Calendar, the report shall lose its privileged and confidential character.

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

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

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

(d) The suspended official may file with the Secretary of the Senate, no later than ten (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 and process**

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. The notice posted shall include the date, time, and place of the committee meeting, and short title and the bill number of each bill to be considered. 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 reports**

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".

**MOTION**

On motion by Senator Thomas, the rules were waived to allow committees to meet December 4, 5 and 6.

**Designation of Majority Leader**

The President announced the designation of Senator Peter M. Weinstein as Majority Leader of the Senate, pursuant to Rule 1.1.

**COMMITTEE APPOINTMENTS**

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

**STANDING COMMITTEES AND SUBCOMMITTEES****Agriculture**

Senator Dantzler, Chairman; Senator Souto, Vice-Chairman; Senators Bruner, McKay, Thomas and Thurman

**Appropriations**

Senator Gardner, Chairman; Senator Casas, Vice-Chairman; Senators Bankhead, Beard, Brown, Bruner, Crenshaw, Childers, Crotty, Davis, Diaz-Balart, Dudley, Girardeau, Gordon, Grant, Grizzle, Johnson, Kirkpatrick, Kurth, Langley, McKay, Meek, Myers, Scott, Thomas, Thurman, Walker, Weinstock and Yancey

*Subcommittee A:* Senator Kirkpatrick, Chairman; Senators Beard, Casas, Crenshaw, Girardeau, Scott and Thomas

*Subcommittee B:* Senator Meek, Chairman; Senators Childers, Crotty, Grizzle, Johnson, Thurman and Walker

*Subcommittee C:* Senator Davis, Chairman; Senators Bankhead, Brown, Grant, Gordon, McKay and Weinstock

*Subcommittee D:* Senator Bruner, Chairman; Senators Diaz-Balart, Dudley, Kurth, Langley, Myers and Yancey

**Commerce**

Senator Childers, Chairman; Senator Walker, Vice-Chairman; Senators Brown, Casas, Diaz-Balart, Forman, Grant, Jenne, Langley, Scott and Wexler

**Community Affairs**

Senator Grizzle, Chairman; Senator Kurth, Vice-Chairman; Senators Crenshaw, Crotty, Girardeau, Jenne, Jennings, Kirkpatrick and Kiser

**Corrections, Probation and Parole**

Senator Bruner, Chairman; Senator Yancey, Vice-Chairman; Senators Beard, Crotty and Girardeau

**Criminal Justice**

Senator Grant, Chairman; Senator Yancey, Vice-Chairman; Senators Beard, Casas, Davis, Langley and Plummer

**Education**

Senator Walker, Chairman; Senator Johnson, Vice-Chairman; Senators Dudley, Forman, Gordon, Meek, Myers, Scott, Weinstock and Wexler

**Executive Business, Ethics and Elections**

Senator Girardeau, Chairman; Senator Wexler, Vice-Chairman; Senators Crotty, Dudley, Grizzle, Plummer and Weinstock

**Finance, Taxation and Claims**

Senator Jenne, Chairman; Senator Dantzler, Vice-Chairman; Senators Forman, Jennings, Kiser, Malchon, Plummer, Souto and Wexler

**Governmental Operations**

Senator Malchon, Chairman; Senator Yancey, Vice-Chairman; Senators Casas, Dantzler, Johnson, McKay and Thurman

**Health and Rehabilitative Services**

Senator Weinstock, Chairman; Senator Malchon, Vice-Chairman; Senators Bankhead, Davis, Forman, Gordon, McKay, Meek and Myers

*Subcommittee on Health Care:* Senator Malchon, Chairman; Senators Bankhead, Davis, Forman, Gordon, McKay and Myers

**Health and Rehabilitative Services Reorganization**

Senator Gordon, Chairman; Senator Davis, Vice-Chairman; Senators Bankhead, Gardner, McKay, Myers and Weinstock

**International Trade, Economic Development and Tourism**

Senator Diaz-Balart, Chairman; Senator Kurth, Vice-Chairman; Senators Bankhead, Davis, Grant, Jenne, Meek and Scott

**Judiciary**

Senator Weinstein, Chairman; Senator Yancey, Vice-Chairman; Senators Dudley, Girardeau, Grant, Jenne, Johnson, Langley, Scott and Wexler

**Natural Resources and Conservation**

Senator Kirkpatrick, Chairman; Senator Brown, Vice-Chairman; Senators Beard, Casas, Dantzler, Grizzle, Plummer, Thomas and Thurman

**Personnel, Retirement and Collective Bargaining**

Senator Souto, Chairman; Senator Kurth, Vice-Chairman; Senators Bruner, Crotty and Walker

**Professional Regulation**

Senator Thurman, Chairman; Senator Dantzler, Vice-Chairman; Senators Crenshaw, Dudley, Grizzle, Jennings, Kirkpatrick, Kurth, Plummer and Souto

**Reapportionment**

Senator Gordon, Chairman; Senator Girardeau, Vice-Chairman; Senators Bankhead, Brown, Bruner, Casas, Crotty, Dantzler, Dudley, Forman, Grant, Jenne, Jennings, Johnson, Kirkpatrick, Kiser, Kurth, Langley, Malchon, McKay, Meek, Souto, Thurman, Walker and Weinstock

*Legislative Subcommittee:* Senator Brown, Chairman; Senator Casas, Vice-Chairman; Senators Bankhead, Bruner, Crotty, Dudley, Forman, Girardeau, Kirkpatrick, Kiser and Walker

*Congressional Subcommittee:* Senator Thurman, Chairman; Senator Souto, Vice-Chairman; Senators Dantzler, Grant, Jenne, Jennings, Johnson, Kurth, Langley, Malchon, McKay, Meek and Weinstock

**Rules and Calendar**

Senator Thomas, Chairman; Senator Crenshaw, Vice-Chairman; Senators Beard, Childers, Davis, Diaz-Balart, Gardner, Gordon, Grizzle, Scott, Weinstein, Wexler and Yancey

**Transportation**

Senator Forman, Chairman; Senator Beard, Vice-Chairman; Senators Bruner, Crenshaw, Jennings, Kirkpatrick, Myers and Thomas

\* Senator Weinstein, as Majority Leader, is a voting member of all standing committees and standing subcommittees.

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

Senator Walker, Alternating Chairman; Senators Dantzler and Kiser

**Advisory Council on Environmental Education**

Senator Plummer, Alternating Chairman; Senator Kirkpatrick

**Advisory Council on Intergovernmental Relations**

Senator Malchon, Alternating Chairman; Senators Dudley, Myers and Yancey

**Legislative Auditing**

Senator Bruner, Alternating Chairman; Senators Bankhead, Crenshaw, Johnson and Kirkpatrick

**Legislative Information Technology Resources**

Senator Gardner, Alternating Chairman; Senators Bankhead and Davis

**Legislative Management**

Senator Childers, Alternating Chairman; Senators Casas and Weinstein

**ADJOURNMENT**

On motion by Senator Crenshaw, the Senate in Organization Session adjourned sine die at 1:26 p.m.

**CERTIFICATE**

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 28, 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 10:00 a.m. on the 20th day of November, 1990, and adjourned at 1:26 p.m. on the 20th day of November, 1990.

JOE BROWN  
Secretary of the Senate

Tallahassee, Florida  
November 20, 1990