



# Journal of the Senate

Number 2

Wednesday, February 3, 1993

## CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—38:

Mr. President	Diaz-Balart	Holzendorf	Siegel
Bankhead	Dudley	Jenne	Silver
Beard	Dyer	Jennings	Sullivan
Boczar	Foley	Johnson	Thomas
Brown-Waite	Forman	Jones	Turner
Burt	Grant	Kirkpatrick	Weinstein
Casas	Grogan	Kiser	Wexler
Childers	Gutman	Kurth	Williams
Crist	Harden	Meadows	
Dantzler	Hargrett	Scott	

Excused: Senators McKay and Myers

## PRAYER

The following prayer was offered by Dr. Henry Lyons, Pastor, Bethel Metropolitan Baptist Church, St. Petersburg:

Our Father, God, we thank you for this day. We thank you for our lives. We thank you for this beautiful, glorious and wonderful day and for the possibilities of this day and for all that it means in the life of our state and the life of the cities of this state and even this nation.

We thank you afresh for good government. We thank you for a representative form of government and we thank you, Lord, that in all that we do and say, it is the people that we have and hold at our dearest and nearest interest.

Bless us now as we deliberate together. Bless us as we look forward to change where change is needed as we work to enhance our life and quality of life in our state and in this nation. Bless the leadership in the Senate. Bless each Senator, each district that is represented here and, O Lord, we pray that thou would lead us now and guide us as we go forth through this day and even this session.

These blessings we ask in your name, we pray. Amen.

## CONSIDERATION OF RESOLUTION

On motion by Senator Sullivan, by unanimous consent—

By Senators Sullivan and Kiser—

**SR 374**—A resolution recognizing February 7 through February 13, 1993, as National Burn Awareness Week.

WHEREAS, over 2,500,000 burn injuries occur each year in the United States and Canada with over 100,000 people being treated in hospitals and emergency facilities for scald burns every year, and

WHEREAS, a majority of these burns are caused by contact with hot tap water and hot liquid spills, and

WHEREAS, the projected nationwide cost for providing intensive burn care totals over \$1 billion annually, and

WHEREAS, over 100 children a day are treated in emergency rooms for kitchen and scald burns, and

WHEREAS, scalds are the number one cause of burns in children, and

WHEREAS, burns are the number one cause of accidental deaths in children under 2 years of age, and

WHEREAS, children under 5 years of age and adults 65 years of age and older are the most seriously and frequently affected, and

WHEREAS, the Burn Awareness Coalition and Task Force, comprised of many top burn doctors, nurses, burn foundation leaders, firefighter organizations, and other concerned individuals, across the United States and Canada, report that burn-prevention education could reduce the number of burns by up to 75 percent, and

WHEREAS, the prevention of scald burns is one of the important issues being addressed by the Burn Awareness Coalition, and

WHEREAS, these injuries and many thousands of deaths, could be reduced dramatically with a massive and cohesive educational public awareness campaign, and

WHEREAS, the campaign suggests that these steps be taken to reduce serious burn injuries:

Lower the setting on hot water heaters to 120°F(49°C) or less. At 160°F, it takes less than 1 second to get a third-degree burn.

Install tempering valves in either the water line or bathtub. Use a valve that regulates the temperature and pressure.

Before placing a child in the bathtub, test the temperature of the bath water by moving your hand through the water for several seconds. If the water feels hot, add cold water until the temperature feels comfortable.

Never leave young children alone in the bathroom or near portable appliances such as coffee pots and electric frying pans.

Keep children at a safe distance while drinking or pouring hot liquids.

Test all hot foods and drinks before feeding a child, especially if the foods and drinks are prepared in a microwave oven. Do not hold a child while testing hot foods or drinks that can easily spill.

WHEREAS, as the Burn Awareness Coalition and Task Force campaign explains, "the worst kind of burn is the one you could have prevented," NOW, THEREFORE,

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

That this body join with concerned individuals throughout the United States and Canada in recognizing February 7 through 13, 1993, as National Burn Awareness Week.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Burn Awareness Coalition and Task Force in recognition of its service to the people of the State of Florida.

—was introduced out of order and read by title. On motion by Senator Sullivan, SR 374 was read the second time in full and adopted.

## SPECIAL ORDER

### REPORT OF THE COMMITTEE ON RULES AND CALENDAR

The Committee on Rules and Calendar respectfully recommends the attached revisions to the Senate Rules.

Sincerely,  
*Toni Jennings, Chairman*

## 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 may 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. *The President 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, *the President 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, *contract binding the Senate*, or authorization for payment or other papers shall issue without the signature of the President. The President shall approve vouchers. *The President He* shall decide all questions of order, subject to an appeal by any Senator. As necessary, the President is authorized to incur travel and per diem expenses for the next session of the legislature. The President of the Senate and the Chairman of the Committee on Rules and Calendar shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred in transacting the ~~financial~~ business of the Senate as authorized.

**1.5—Appointment of committees**

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

Any member removed from a committee without *the member's 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 *the President 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, *the President 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. *The Secretary He* shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. *The Secretary He* shall not permit any records or papers belonging to the Senate to be removed from *the his* custody of *the Secretary* other than in the regular course of business and with proper receipt. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.

**1.11—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 ~~substitute~~ 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 or she* shall determine whether they meet the requirements of law and of these Rules. The Secretary shall direct the attention of the introducer to apparent defects, but the introducer shall be exclusively responsible for the constitutional and legal correctness of the bill.

**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. *The Secretary* 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. *The Sergeant at Arms* 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; *the Sergeant* 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 or her 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 or her 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 or her 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 or her 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 legislative assistant 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 the President's his discretion the matter may be referred~~, ~~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 legislative assistant.

**1.30—Duties and hours**

Employees shall perform the duties assigned to them by the President and required of them by rule and 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 or herself to justify the confidence placed in him or her by the people and, by personal example and admonition to colleagues, shall maintain the integrity and responsibility of his or her office.

**1.36—Improper influence**

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

**1.37—Conflicting employment**

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

**1.38—Undue influence**

A member of the Senate shall not use his or her influence as a Senator in any matter that involves substantial conflict between his or her personal interest and his or her 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 that Senator's his special private gain or the special gain of any principal to whom the Senator 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 or her 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 the Senator's 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 AND RECORDS****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 four (4) hours before the scheduled time of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed not later than two (2) hours before the scheduled time of 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 the President's 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. In the case of a meeting required to be noticed pursuant to this rule, if the meeting is to take place at or after 10:00 p.m. then the notice must be delivered to the Secretary by 5:00 6:00 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 and noticed in accordance with this rule 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. Political caucuses held for the sole purpose of designating a President, a President Pro Tempore, a Minority Leader or a Minority Leader Pro Tempore need not be open or noticed.

**1.45—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.

**1.441—Constitutional requirements concerning open meetings**

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

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

In cases of conflict between this rule and any other rule of the Senate the rule providing greater notice or public access shall prevail.

**1.442—Legislative records**

There shall be available for public inspection in Tallahassee the retained papers and records developed and received in the course of legislative business as follows:

- (a) bills and amendments thereto, resolutions and amendments thereto filed with or reported to the Secretary;
- (b) messages and communications received from the Governor or the other house of the legislature;
- (c) transcripts or minutes, if prepared, and journal records of all sessions and meetings, including meetings of committees and subcommittees and public hearings, with the records of attendance of Senators and records of any votes taken;
- (d) final reports submitted by committees and subcommittees and final staff reports submitted to committees and subcommittees;
- (e) records showing the recorded votes of each Senator in every session and every committee and subcommittee meeting in which the Senator votes;
- (f) reports and findings required by law to be made and submitted to the Senate or an officer of the Senate;
- (g) leave, classification, applications, and payroll records of Senators and employees;
- (h) administrative manuals setting forth Senate policies and procedures;
- (i) fiscal records, including the operating budget of the Senate, Financial and Compliance Audits of the Legislature, accounts, vouchers, invoices and contracts dealing with the receipt or disbursement of funds by the Senate as an institution or its acquisition, use or disposal of services, supplies, materials, equipment or other property;
- (j) reports of quarterly intradistrict allotment expenditures of Senators;
- (k) lobbyist registration and expenditure records;
- (l) all final records which are required by these rules to be made or retained.

Provided, however, that this Rule shall not affect legislative records specifically protected by law, and activities undertaken pursuant to Rule Twelve.

**1.443—Committee on Reapportionment**

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information maintained by and available to the Committee on Reapportionment for the analysis of legislative apportionment and congressional redistricting plans.

**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
- Education
- Executive Business, Ethics and Elections
- Finance, Taxation and Claims
- Governmental Operations
- Health and Rehabilitative Services
  - Subcommittee on Health Care
- Health and Rehabilitative Services Reorganization
- International Trade, Economic Development and Tourism
- Judiciary
- Natural Resources and Conservation
- Personnel, Retirement and Collective Bargaining
- Professional Regulation
- 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

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.

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

### 2.11—Attendance by sponsor of bill

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Such introducer may discharge this duty by sending another legislator, his or her legislative assistant 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 or her 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 or her 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 the Senator's 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 or her 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. The vote of the members of a standing committee or subcommittee on final passage of any measure shall be recorded. Upon the request of any two members of a committee or subcommittee the vote on any other matter, properly before the committee, shall be recorded. *After such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except by two-thirds (2/3) vote of those present in session.*

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. *A Senate committee may not recommend a Senate committee substitute for a House bill.*

All standing committee reports shall be signed by the chairman or, in his or her 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 *printed typewritten* in full on *proper 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 the chairman's 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 *printed typewritten* in full on *proper 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 the President's 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 or her 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 sub-

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

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

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

### 2.25—Temporary alternate to Chairman

The chairman may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting. In *the chairman's* his absence and/or omission to make such appointment, the vice-chairman shall act during his *or her* 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 *that member's* his private rights as distinct from the public interest.

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

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 *or her* 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 *or her* 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 *or her* vote during a roll call, but may submit his *or her* 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 *or her* 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 sec-

tion 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, the Senator he shall address himself or herself to "Mr. or Madam Chairman" and, on being recognized, may address the committee and shall confine himself or herself 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 or she desires the floor. If the question the member he desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member 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 the introducer he may divide such 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—Form of bills

All bills 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.

##### 3.1—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—Bills for introduction Form of bills

A bill may not be introduced until properly filed with the Secretary of the Senate. 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 Sec-

retary of the Senate. All local bills that require publication shall, when introduced, have proof of publication securely attached to the original copy of the bill as the first or front page thereof, and the words "Proof of Publication Attached" clearly typed or stamped on the Senate side of the bill jacket or cover, or the same shall be rejected by the Secretary.

### 3.4—Form of joint resolutions

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

### 3.5—Form of memorials

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

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

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

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

### 3.7—Introduction during session

To facilitate processing and committee referencing, all bills shall be delivered to the Secretary of the Senate no later than 12:00 noon of the fourth day (excluding Saturday and Sunday) preceding the day of introduction. This Rule may be waived only on unanimous consent of those present, but the motion shall not be entertained until the movant notifies the Senate orally, not less than thirty (30) minutes preceding the motion, of his or her intention to move for the waiver of this Rule so as to have introduced a specific bill or bills sponsored by ~~that Senator 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—Printed copies ~~Printing of bills~~

When introduced, bills, not local in application, and joint resolutions (including committee bills and committee substitute bills) shall be printed by the Secretary 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. ~~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.~~

### 3.10—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 Commit-

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

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 the President's 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 bills affecting appropriations, revenue, retirement or county or municipal spending

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. All bills which are affected by the provisions of Art. VII, s. 18, Florida Constitution shall be referred to the Committee on Community Affairs. A bill that is amended to substantially affect appropriations or tax revenue, a state retirement program or expenditures or revenues as set forth in Art. VII, s. 18, Florida Constitution 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, or the Committee on Community Affairs, 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.

#### 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 as provided in the Constitution under Article III, Section 7. ~~(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 referred or 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 or her 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 or her 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 the Chairman's his designee, the Vice-Chairman of the Committee on Rules and Calendar or the Vice-Chairman's his designee, the Minority Leader or the Minority Leader's 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 *or she* sponsors or a House bill for the consent calendar. A committee chairman may designate a committee bill sponsored by his *or her* 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.

#### 4.81—Claim bills

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. 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 *or her* 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.

## 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 *or her* 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 *unless the Senator is present in the chamber area and requests the casting of said vote*, nor shall a person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, a Senator who shall *without such authorization* 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 *or her* vote during a roll call but may submit his *or her* explanation in writing and file it with the Secretary. This explanation shall be entered in the Journal.

#### 5.6—Election by ballot

In all cases of ballot, a majority of the votes cast shall be necessary to an election. If, however, no one is elected on the first three (3) ballots, the names after the top two (2) in number of votes received on the third 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 or her motion in writing. After a motion has been stated or read by the President, it shall be deemed to be in possession of the Senate and, without a second, shall be disposed of by vote of the Senate. The mover may withdraw a motion, except a motion to reconsider, as hereinafter provided, at any time before the same has been amended or before the vote shall have commenced.

**6.2—Motions; precedence**

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

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

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

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

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

**6.3—Division of question**

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

**6.4—Reconsideration generally**

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

**6.5—Reconsideration; vote required**

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

**6.6—Reconsideration; debate**

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

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

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

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

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

**6.9—Motion to indefinitely postpone**

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

## RULE SEVEN

## AMENDMENTS

**7.1—General form; 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 the Secretary 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 the chairman's 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, *the Senator* he shall rise at his *or her* seat and address himself *or herself* to "Mr. *or Madam* President", and, on being recognized, may address the Senate from his *or her* desk or from the well of the Senate, and shall confine *any remarks* 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 a Senator* 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 or she* desires the floor. If the question *the member* he desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. *The member* 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 those specifically exempted*) (~~except members of the Florida Legislature, or duly authorized legislative assistants 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 as prescribed by law and the *Joint Rules of the Florida House and Senate*, 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.~~

#### 9.2 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 or she openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

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

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

#### 9.3 9.5—Lobbyists' requirements Periodic reports required

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

#### 9.4 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.

#### 9.5 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.~~

#### 9.6 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.~~

#### 9.7 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, the *Joint Rules and the laws of Florida*, 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. *A special section of the gallery shall be reserved for members of the families of Senators.*

**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.~~

**10.4 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.

**10.5 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 *the President* ~~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 *or her* criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the 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, *that 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 or she 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 com-

mittee 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".

## JOINT RULE

### LOBBYIST REGISTRATION

#### 1.1—Those Required to Register; Exemptions

Any person who appears before a member, a committee, or staff of the Legislature to express support for or opposition to any legislation must register with the Joint Legislative Management Committee, unless that person:

- (1) Is a member of the Legislature;
- (2) Is employed by the Legislature and is authorized in writing to appear;
- (3) Appears solely in his individual capacity and so declares during that appearance;
- (4) Appears on behalf of an organization or business entity in which he is an officer, partner, or member, or by which he is regularly employed, and receives no salary or compensation for that appearance other than reasonable and ordinary travel expenses, and so declares during that appearance; or
- (5) Appears as a witness or for the purpose of providing information at the written request of the chairman of the committee, the subcommittee, or legislative delegation.

#### 1.2—Method of Registration; Periodic Reports Required

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the Joint Legislative Management Committee, on which he must state, under oath, his name and business address, the name and business address of each principal he represents, the areas of his legislative interest, and the extent of any direct business association or partnership he has with any member of the Legislature. The Joint Legislative Management Committee or its designee is authorized to acknowledge the oath of any person who registers in person.

(2) In addition, each person who registers must submit semiannually to the Joint Legislative Management Committee, on forms furnished by the committee, a signed and certified statement listing all lobbying expenditures and sources of funds for those expenditures. A statement covering the period from January 1 through June 30 must be filed by July 15 of that year, and a statement covering the period from July 1 through

December 31 must be filed by January 15 of the succeeding year. These statements should not include expenditures for the registrant's lodging, meals, or travel. A statement must be filed for each reporting period even if no expenditures have been made during that reporting period.

(3) The Joint Legislative Management Committee shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(4) The Joint Legislative Management Committee shall retain all original documents submitted under this section.

#### 1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay a biennial registration fee to the Joint Legislative Management Committee. These fees should be paid at the time of registration; provided, however, those persons who have already registered with the House or Senate for the current session shall pay their fees prior to March 4, 1991, to avoid registering again. The following persons are exempt from paying the fee:

- (a) Any person who receives no compensation for his appearances other than reasonable reimbursement for his travel and meal expenses.
- (b) Any governmental official elected in the State of Florida.
- (c) Two employees of each state agency who are designated in writing by the head of the agency.

Persons who are not required to register under Joint Senate and House Rule 1.1, but who choose to do so, shall pay a processing fee of \$10.00 per house per biennium.

(2) The fee is \$50 per each house for a person to register to represent one principal and an additional \$10 per house for each additional principal that the person registers to represent. The fees collected by the Joint Legislative Management Committee under this joint policy shall be deposited in the State Treasury and credited to the appropriation for legislative expenses specifically to cover the costs incurred in administering this joint policy.

#### 1.4—Questions Regarding Registration

Persons in doubt as to whether they are required to register may request an opinion from the Speaker of the House or the President of the Senate.

#### 1.5—Open Records

All the lobbyist registration and expenditure records shall be available for public inspection, and for duplication at reasonable cost.

## CONSIDERATION OF AMENDMENTS TO RULES COMMITTEE REPORT

Senator Dudley moved the following amendment to Rule 1.5 which was adopted:

#### 1.5—Appointment of committees

(a) The President shall appoint, and have the power to remove, the members of all standing committees, standing subcommittees, select committees, and the Senate members of conference and joint select committees. *Appointments by the President to each standing committee, standing subcommittee, select committee or conference committee shall reflect, on a proportional basis, the representation of the two major political parties in the Senate unless otherwise agreed to by the respective political party leaders.* Any member removed by the President from a committee without the member's his consent shall have the right to appeal the such removal to the Committee on Rules and Calendar. *Notification of such removal must be in writing.*

(b) The President shall appoint, and have the power to remove, the chairman or vice-chairman of all standing committees, standing subcommittees, select committees, and the Senate chairman or vice-chairman of conference and joint select committees. Any chairman or vice-chairman who is removed by the President from such position may appeal the removal. *Notification of such removal must be in writing.*

(c) When written notification of removal under subsection (a) or (b) is received by a member while the Legislature is in session, the member

may appeal such removal to the Senate by filing with the Secretary, within 3 days of personally receiving such notification, a written objection. The Senate shall hear and decide the appeal at a scheduled session following the date the appeal is received, provided that the Senate must hear an appeal no later than 5 days after it is received by the Secretary. The Secretary shall inform the member filing the appeal of when the appeal will be heard by the Senate and of the member's opportunity to be heard. The decision by the Senate shall be by majority vote and is final.

(d) When written notification of removal under subsection (a) or (b) is received by a member while the Legislature is not in session, the member may appeal such removal to the Committee on Rules and Calendar by filing with the committee, within 30 days of personally receiving such notification, a written objection. The Committee on Rules and Calendar shall hear and decide the appeal at a scheduled meeting following the date the appeal is received, provided that the committee must hear an appeal no later than 30 days after it is received by the committee. The committee shall inform the member filing the appeal of when the appeal will be heard and of the member's opportunity to address the committee. The decision by the committee shall be by majority vote and is final.

(e) If the Senate, or the committee, rules in favor of the member, that member shall be, without further action, reinstated on the committee or to the position from which the member was removed, effective as of the next meeting of that committee following the date the appeal is decided. A member appointed to the committee or position to replace the previously removed member shall, by operation of this rule, cease to be a member of that committee or cease to hold that position as of the date of the reinstatement.

(f) When a period of time prescribed or allowed by this rule is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation of that period.

Senator Dudley moved the following amendment to Rule 2.1 which was adopted:

#### 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  
 Education  
 Executive Business, Ethics and Elections  
 Finance, Taxation and Claims  
 Governmental Operations  
 Health and Rehabilitative Services  
   ~~Subcommittee on Health Care~~  
   Health Care  
   ~~Health and Rehabilitative Services Reorganization~~  
 International Trade, Economic Development and Tourism  
 Judiciary  
 Natural Resources and Conservation  
 Personnel, Retirement and Collective Bargaining  
 Professional Regulation  
 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.

Senator Dudley moved the following amendment to Rule 4.10 which was adopted:

#### 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. A sponsor of a bill may appeal the referencing of such bill to the Committee on Rules and Calendar. Committee action on such appeal, which may include adding, changing or deleting a committee reference, shall be by three-fifths (3/5) vote.

Senator Jennings moved the following amendment to Rule 1.7 which was adopted:

#### 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 the President 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, other than as provided in subsection (d), nothing herein shall preclude the Senate from designating a presiding officer.

(d) ~~If a vacancy occurs in the office of~~ Should the President before November 9, 1994, the President Pro Tempore shall become the President and shall serve for the remainder of the term established in Rule 1.1. For the purpose of this rule, a resignation submitted to the Secretary is unconditional and irrevocable ~~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. This subsection as amended herein may not be amended without unanimous consent. All other rules of the Senate may be amended by majority vote of the Senate any time prior to midnight, February 3, 1993.~~

Senator Grogan moved the following amendment to the last paragraph of Rule 2.28 which failed:

A Senator may request to (a) change his or her 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 request to vote or change his or her vote or vote except that no such~~ If the vote or change of vote shall be valid where such vote would alter ~~alters~~ the final action of the committee, no vote or 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.

Senator Grogan moved the following amendment to the first paragraph of Rule 5.2 which failed:

#### 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 request to vote or change his or her vote or vote on the measure, except that no such vote or change of vote or vote shall be valid where such vote would alter the final passage of the measure unless 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.

Senator Grogan moved the following amendment to the last paragraph of Rule 2.14 which failed:

~~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.~~

## MOTIONS

On motion by Senator Jennings, the report of the Committee on Rules and Calendar as amended was adopted.

On motion by Senator Jennings, the Rules as amended were adopted to govern the Senate for the 1993-94 term.

## 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 may 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. The President 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, the President 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, contract binding the Senate, authorization for payment or other papers shall issue without the signature of the President. The President shall approve vouchers. The President shall decide all questions of order, subject to an appeal by any Senator. As necessary, the President is authorized to incur travel and per diem expenses for the next session of the legislature. The President of the Senate and the Chairman of the Committee on Rules and Calendar shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred in transacting the business of the Senate as authorized.

##### 1.5—Appointment of committees

(a) The President shall appoint, and have the power to remove, the members of all standing committees, standing subcommittees, select committees, and the Senate members of conference and joint select com-

mittees. Appointments by the President to each standing committee, standing subcommittee, select committee or conference committee shall reflect, on a proportional basis, the representation of the two major political parties in the Senate unless otherwise agreed to by the respective political party leaders. Any member removed by the President from a committee without the member's consent shall have the right to appeal the removal. Notification of such removal must be in writing.

(b) The President shall appoint, and have the power to remove, the chairman or vice-chairman of all standing committees, standing subcommittees, select committees, and the Senate chairman or vice-chairman of conference and joint select committees. Any chairman or vice-chairman who is removed by the President from such position may appeal the removal. Notification of such removal must be in writing.

(c) When written notification of removal under subsection (a) or (b) is received by a member while the Legislature is in session, the member may appeal such removal to the Senate by filing with the Secretary, within 3 days of personally receiving such notification, a written objection. The Senate shall hear and decide the appeal at a scheduled session following the date the appeal is received, provided that the Senate must hear an appeal no later than 5 days after it is received by the Secretary. The Secretary shall inform the member filing the appeal of when the appeal will be heard by the Senate and of the member's opportunity to be heard. The decision by the Senate shall be by majority vote and is final.

(d) When written notification of removal under subsection (a) or (b) is received by a member while the Legislature is not in session, the member may appeal such removal to the Committee on Rules and Calendar by filing with the committee, within 30 days of personally receiving such notification, a written objection. The Committee on Rules and Calendar shall hear and decide the appeal at a scheduled meeting following the date the appeal is received, provided that the committee must hear an appeal no later than 30 days after it is received by the committee. The committee shall inform the member filing the appeal of when the appeal will be heard and of the member's opportunity to address the committee. The decision by the committee shall be by majority vote and is final.

(e) If the Senate, or the committee, rules in favor of the member, that member shall be, without further action, reinstated on the committee or to the position from which the member was removed, effective as of the next meeting of that committee following the date the appeal is decided. A member appointed to the committee or position to replace the previously removed member shall, by operation of this rule, cease to be a member of that committee or cease to hold that position as of the date of the reinstatement.

(f) When a period of time prescribed or allowed by this rule is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation of that period.

##### 1.6—The President's vote

The President shall not be required to vote in legislative proceedings. In all yeas 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 the President 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, other than as provided in subsection (d), nothing herein shall preclude the Senate from designating a presiding officer.

(d) If a vacancy occurs in the office of President before November 9, 1994, the President Pro Tempore shall become the President and shall serve for the remainder of the term established in Rule 1.1. For the purpose of this rule, a resignation submitted to the Secretary is unconditional and irrevocable. This subsection as amended herein may not be amended without unanimous consent. All other rules of the Senate may be amended by majority vote of the Senate any time prior to midnight, February 3, 1993.

##### 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. The Secretary shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. The Secretary shall not permit any records or papers belonging to the Senate to be removed from the custody of the Secretary other than in the regular course of business and with proper receipt. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.

#### **1.11—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 substitute; (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 or she shall determine whether they meet the requirements of law and of these Rules. The Secretary shall direct the attention of the introducer to apparent defects, but the introducer shall be exclusively responsible for the constitutional and legal correctness of the bill.

#### **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. The Secretary 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. The Sergeant at Arms 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; the Sergeant 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 or her 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 or her 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 or her 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 or her 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 legislative assistant 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. At the President's discretion the matter may be referred 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 legislative assistant.

**1.30—Duties and hours**

Employees shall perform the duties assigned to them by the President and required of them by rule and 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 or herself to justify the confidence placed in him or her by the people and, by personal example and admonition to colleagues, shall maintain the integrity and responsibility of his or her office.

**1.36—Improper influence**

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

**1.37—Conflicting employment**

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

**1.38—Undue influence**

A member of the Senate shall not use his or her influence as a Senator in any matter that involves substantial conflict between his or her personal interest and his or her 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 that Senator's special private gain or the special gain of any principal to whom the Senator 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 or her 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 the Senator's 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 AND RECORDS****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 four (4) hours before the scheduled time of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed not later than two (2) hours before the scheduled time of 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 the President's 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. In the case of a meeting required to be noticed pursuant to this rule, if the meeting is to take place at or after 10:00 p.m. then the notice must be delivered to the Secretary by 5:00 p.m. Notices of such meetings shall appear in the daily calendar.

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 and noticed in accordance with this rule 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. Political caucuses held for the sole purpose of designating a President, a President Pro Tempore, a Minority Leader or a Minority Leader Pro Tempore need not be open or noticed.

**1.45—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.

**1.441—Constitutional requirements concerning open meetings**

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

All prearranged gatherings, between more than two members of the

legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments shall be reasonably open to the public.

In cases of conflict between this rule and any other rule of the Senate the rule providing greater notice or public access shall prevail.

**1.442—Legislative records**

There shall be available for public inspection in Tallahassee the retained papers and records developed and received in the course of legislative business as follows:

- (a) bills and amendments thereto, resolutions and amendments thereto filed with or reported to the Secretary;
- (b) messages and communications received from the Governor or the other house of the legislature;
- (c) transcripts or minutes, if prepared, and journal records of all sessions and meetings, including meetings of committees and subcommittees and public hearings, with the records of attendance of Senators and records of any votes taken;
- (d) final reports submitted by committees and subcommittees and final staff reports submitted to committees and subcommittees;
- (e) records showing the recorded votes of each Senator in every session and every committee and subcommittee meeting in which the Senator votes;
- (f) reports and findings required by law to be made and submitted to the Senate or an officer of the Senate;
- (g) leave, classification, applications, and payroll records of Senators and employees;
- (h) administrative manuals setting forth Senate policies and procedures;
- (i) fiscal records, including the operating budget of the Senate, Financial and Compliance Audits of the Legislature, accounts, vouchers, invoices and contracts dealing with the receipt or disbursement of funds by the Senate as an institution or its acquisition, use or disposal of services, supplies, materials, equipment or other property;
- (j) reports of quarterly intradistrict allotment expenditures of Senators;
- (k) lobbyist registration and expenditure records;
- (l) all final records which are required by these rules to be made or retained.

Provided, however, that this Rule shall not affect legislative records specifically protected by law, and activities undertaken pursuant to Rule Twelve.

**1.443—Committee on Reapportionment**

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information maintained by and available to the Committee on Reapportionment for the analysis of legislative apportionment and congressional redistricting plans.

**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  
 Education  
 Executive Business, Ethics and Elections  
 Finance, Taxation and Claims  
 Governmental Operations  
 Health and Rehabilitative Services  
 Health Care  
 International Trade, Economic Development and Tourism  
 Judiciary  
 Natural Resources and Conservation  
 Personnel, Retirement and Collective Bargaining  
 Professional Regulation  
 Reapportionment  
 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

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.

## 2.4—Committee staffing

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

**2.11—Attendance by sponsor of bill**

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Such introducer may discharge this duty by sending another legislator, his or her legislative assistant 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 or her 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 or her 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 the Senator's 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 or her 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. The vote of the members of a standing committee or subcommittee on final passage of any measure shall be recorded. Upon the request of any two members of a committee or subcommittee the vote on any other matter, properly before the committee, shall be recorded. After such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except by two-thirds (2/3) vote of those present in session.

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.

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. 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. A Senate committee may not recommend a Senate committee substitute for a House bill.

All standing committee reports shall be signed by the chairman or, in his or her 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 printed in full on proper 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 the chairman's 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 sub-

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

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

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

**2.25—Temporary alternate to Chairman**

The chairman may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting. In the chairman's absence and/or omission to make such appointment, the vice-chairman shall act during his or her 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 that member's private rights as distinct from the public interest.

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

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 or her 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 or her 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 or her vote during a roll call, but may submit his or her 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 or her 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, the Senator shall address himself or herself to "Mr. or Madam Chairman" and, on being recognized, may address the committee and shall confine himself or herself 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 or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member is then entitled to resume the floor.

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 the introducer may divide such 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—Form of bills**

All bills 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.

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—Bills for introduction**

A bill may not be introduced until properly filed with the Secretary of the Senate.

**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 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 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 contain a proper title, as defined in Article III, Section 6 of the Constitution. Standard rules of capitalization shall apply. Senate resolutions shall read, "Be It Resolved by the Senate of the State of Florida:". Concurrent resolutions shall read, "Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:".

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

**3.7—Introduction during session**

To facilitate processing and committee referencing, all bills shall be delivered to the Secretary of the Senate no later than 12:00 noon of the fourth day (excluding Saturday and Sunday) preceding the day of introduction. This Rule may be waived only on unanimous consent of those present, but the motion shall not be entertained until the movant notifies the Senate orally, not less than thirty (30) minutes preceding the motion, of his or her intention to move for the waiver of this Rule so as to have introduced a specific bill or bills sponsored by that Senator. 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—Printed copies of bills**

When introduced, bills, not local in application, and joint resolutions (including committee bills and committee substitute bills) shall be printed by the Secretary for the information of the Senate and the public. The absence of a printed copy shall not delay the progress of a measure at any stage of the legislative process. Sufficient copies of the general appropriations bill proposed to be introduced by the 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.

**3.10—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.

### 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 pre-

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

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 the President's 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 bills affecting appropriations, revenue, retirement or county or municipal spending**

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. All bills which are affected by the provisions of Art. VII, s. 18, Florida Constitution shall be referred to the Committee on Community Affairs. A bill that is amended to substantially affect appropriations or tax revenue, a state retirement program or expenditures or revenues as set forth in Art. VII, s. 18, Florida Constitution 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, or the Committee on Community Affairs, 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.

#### **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. A sponsor of a bill may appeal the referencing of such bill to the Committee on Rules and Calendar. Committee action on such appeal, which may include adding, changing or deleting a committee reference, shall be by three-fifths (3/5) vote.

#### **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 as provided in the Constitution under Article III, Section 7.

#### **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 referred or 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 or her 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 or her 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 the Chairman's designee, the Vice-Chairman of the Committee on Rules and Calendar or the Vice-Chairman's designee, the Minority Leader or the Minority Leader's 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 or she sponsors or a House bill for the consent calendar. A committee chairman may designate a committee bill sponsored by his or her 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.

#### 4.81—Claim bills

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. 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 or her 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.

## 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 or her 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 unless the Senator is present in the chamber area and requests the casting of said vote, nor shall a person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, a Senator who shall without such authorization 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 or her vote during a roll call but may submit his or her explanation in writing and file it with the Secretary. This explanation shall be entered in the Journal.

**5.6—Election by ballot**

In all cases of ballot, a majority of the votes cast shall be necessary to an election. If, however, no one is elected on the first three (3) ballots, the names after the top two (2) in number of votes received on the third 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 or her motion in writing. After a motion has been stated or read by the President, it shall be deemed to be in possession of the Senate and, without a second, shall be disposed of by vote of the Senate. The mover may withdraw a motion, except a motion to reconsider, as hereinafter provided, at any time before the same has been amended or before the vote shall have commenced.

**6.2—Motions; precedence**

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

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

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

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

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

**6.3—Division of question**

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

**6.4—Reconsideration generally**

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

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

**6.5—Reconsideration; vote required**

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

**6.6—Reconsideration; debate**

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

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

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

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

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

**6.9—Motion to indefinitely postpone**

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

**RULE SEVEN****AMENDMENTS****7.1—General form; 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 the Secretary 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 the chairman's 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, the Senator shall rise at his or her seat and address himself or herself to "Mr. or Madam President", and, on being recognized, may address the Senate from his or her desk or from the well of the Senate, and shall confine any remarks to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the district number of the Senator being addressed, or a Senator may also use such appellation and the surname of the Senator referred to or addressed.

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

When two (2) or more Senators rise at once, the presiding officer shall 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 or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member 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.

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

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

**9.2—Obligations of lobbyist**

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

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

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

**9.3—Lobbyists' requirements**

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

**9.4—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.

**9.5—Compilation of opinions**

The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Rules and Calendar.

**9.6—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.

**9.7—Committees to be diligent**

Committees shall be diligent to ascertain whether those who appear before them, in other than an obviously individual capacity, have con-

formed with the requirements of this Rule, the Joint Rules and the laws of Florida, 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. 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. A special section of the gallery shall be reserved for members of the families of Senators.

**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—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.

**10.5—Gallery**

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

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

It shall be the duty of the President, or the 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: the singular always includes the plural. 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 the President 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 or her criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the 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, that officer 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 or she 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".

### JOINT RULE

#### LOBBYIST REGISTRATION

#### 1.1—Those Required to Register; Exemptions

Any person who appears before a member, a committee, or staff of the Legislature to express support for or opposition to any legislation must register with the Joint Legislative Management Committee, unless that person:

- (1) Is a member of the Legislature;
- (2) Is employed by the Legislature and is authorized in writing to appear;
- (3) Appears solely in his individual capacity and so declares during that appearance;
- (4) Appears on behalf of an organization or business entity in which he is an officer, partner, or member, or by which he is regularly employed, and receives no salary or compensation for that appearance other than

reasonable and ordinary travel expenses, and so declares during that appearance; or

(5) Appears as a witness or for the purpose of providing information at the written request of the chairman of the committee, the subcommittee, or legislative delegation.

### 1.2—Method of Registration; Periodic Reports Required

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the Joint Legislative Management Committee, on which he must state, under oath, his name and business address, the name and business address of each principal he represents, the areas of his legislative interest, and the extent of any direct business association or partnership he has with any member of the Legislature. The Joint Legislative Management Committee or its designee is authorized to acknowledge the oath of any person who registers in person.

(2) In addition, each person who registers must submit semiannually to the Joint Legislative Management Committee, on forms furnished by the committee, a signed and certified statement listing all lobbying expenditures and sources of funds for those expenditures. A statement covering the period from January 1 through June 30 must be filed by July 15 of that year, and a statement covering the period from July 1 through December 31 must be filed by January 15 of the succeeding year. These statements should not include expenditures for the registrant's lodging, meals, or travel. A statement must be filed for each reporting period even if no expenditures have been made during that reporting period.

(3) The Joint Legislative Management Committee shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(4) The Joint Legislative Management Committee shall retain all original documents submitted under this section.

### 1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay a biennial registration fee to the Joint Legislative Management Committee. These fees should be paid at the time of registration; provided, however, those persons who have already registered with the House or Senate for the current session shall pay their fees prior to March 4, 1991, to avoid registering again. The following persons are exempt from paying the fee:

- (a) Any person who receives no compensation for his appearances other than reasonable reimbursement for his travel and meal expenses.
- (b) Any governmental official elected in the State of Florida.
- (c) Two employees of each state agency who are designated in writing by the head of the agency.

Persons who are not required to register under Joint Senate and House Rule 1.1, but who choose to do so, shall pay a processing fee of \$10.00 per house per biennium.

(2) The fee is \$50 per each house for a person to register to represent one principal and an additional \$10 per house for each additional principal that the person registers to represent. The fees collected by the Joint Legislative Management Committee under this joint policy shall be deposited in the State Treasury and credited to the appropriation for legislative expenses specifically to cover the costs incurred in administering this joint policy.

### 1.4—Questions Regarding Registration

Persons in doubt as to whether they are required to register may request an opinion from the Speaker of the House or the President of the Senate.

### 1.5—Open Records

All the lobbyist registration and expenditure records shall be available for public inspection, and for duplication at reasonable cost.

## REPORTS OF COMMITTEES

The Committee on Community Affairs recommends the following pass: SB 30

The Committee on Education recommends the following pass: SB 76, SB 174

**The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.**

The Committee on Community Affairs recommends the following pass: SB 84

**The bill was referred to the Committee on Finance, Taxation and Claims under the original reference.**

The Committee on Criminal Justice recommends the following pass: SB 148 with 1 amendment

**The bill was referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.**

The Committee on Education recommends the following pass: SB 250

**The bill was referred to the Committee on Transportation under the original reference.**

The Committee on Criminal Justice recommends the following pass: SB 66 with 1 amendment, SB 72 with 1 amendment

**The bills were placed on the calendar.**

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

By Senator Wexler—

**SB 316**—A bill to be entitled An act relating to tobacco products; creating s. 859.071, F.S.; prohibiting purchase of tobacco products by persons under 18 years of age; providing for civil citation; providing for imposition of specified sanctions by the court; providing for application of penalties to persons who provide funds to an underage person for purchase of tobacco products; providing an effective date.

—was referred to the Committees on Commerce; and Finance, Taxation and Claims.

By Senator Myers—

**SB 318**—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.64, F.S.; providing an additional ground for which a license may be denied, suspended, or revoked; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Professional Regulation—

**SB 320**—A bill to be entitled An act relating to funeral directing, embalming, and direct disposing; amending s. 470.001, F.S.; restating legislative findings; amending s. 470.002, F.S.; redefining the terms "funeral director," "embalmer," "funeral establishment," "direct disposer," and "preneed agent"; amending s. 470.003, F.S.; providing applicability of s. 20.30, F.S., to Board of Funeral Directors and Embalmers; amending s. 470.005, F.S.; prescribing additional rulemaking authority for board and Department of Professional Regulation; amending ss. 470.006, 470.007, F.S.; providing for licensure as an embalmer; amending ss. 470.009, 470.011, F.S.; providing for licensure as a funeral director; amending s.

470.015, F.S.; providing for renewal of licenses; amending s. 470.016, F.S.; providing for inactive status; amending s. 470.017, F.S.; providing for registration as a direct disposer; amending s. 470.018, F.S.; providing for renewal of registration; amending s. 470.019, F.S.; providing for disciplinary actions against direct disposers and direct disposal establishments; amending s. 470.021, F.S.; providing for registration of direct disposal establishments; amending s. 470.022, F.S.; providing that direct disposing does not constitute embalming; amending s. 470.023, F.S.; providing penalty for practice of direct disposition without a license; amending s. 470.024, F.S.; prescribing authority to set funeral establishment license fees; amending s. 470.025, F.S.; prescribing rulemaking authority with respect to cinerator facilities; amending s. 470.031, F.S.; prohibiting the operation of an unregistered direct disposal establishment or an unlicensed funeral establishment; providing penalties; amending s. 470.035, F.S.; providing standards for estimates of charges of a funeral director and staff; amending s. 470.036, F.S.; prescribing certain grounds for discipline; providing penalties; amending s. 470.0395, F.S.; providing a saving clause; repealing s. 470.0255(3), F.S., relating to unclaimed cremated remains; providing for registration of direct disposers who meet specified criteria; repealing s. 1, ch. 89-8, Laws of Florida, which provided for the review of ch. 470, F.S., and its review under the Regulatory Sunset Act; providing an effective date.

—was referred to the Committee on Professional Regulation.

By the Committee on Judiciary—

**SB 322**—A bill to be entitled An act relating to nonresidential tenancies; amending s. 83.20, F.S.; providing for removal of a tenant for the tenant's breach of the lease; requiring notice; creating s. 83.201, F.S.; providing for withholding of rent upon untenability of premises; requiring notice; providing for termination of lease if premises not made tenable; creating s. 83.202, F.S.; providing for waiver of removal action for nonpayment of rent; amending s. 83.231, F.S.; providing further requirements to obtain a money judgment in an action for removal of a tenant; creating s. 83.232, F.S.; requiring the payment of rent into the court registry in an action by a landlord which includes a claim for possession; providing for a hearing of a dispute on the amount of rent owed; providing for notice; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Kurth—

**SB 324**—A bill to be entitled An act relating to Indian River County; providing intent and applicability to, and for permanent status of, certain employees of the sheriff; clarifying terms; specifying cause for suspension or dismissal; providing for transition, a complaint procedure, discipline, appeals and limitation on certain appeals, and administration; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Agriculture—

**SB 326**—A bill to be entitled An act relating to aquaculture; amending s. 597.001, F.S., relating to the short title of the "Florida Aquaculture Policy Act"; revising a reference; amending s. 597.0021, F.S., relating to legislative intent; revising a reference; amending s. 597.003, F.S., relating to powers and duties of the Department of Agriculture and Consumer Services; revising language; amending s. 597.005, F.S., relating to the Aquaculture Review Council; deleting obsolete language; revising responsibilities; amending s. 597.006, F.S., relating to the Aquaculture Interagency Coordinating Council; eliminating the Department of Health and Rehabilitative Services as a coordinating agency for aquaculture; deleting obsolete language; revising composition and responsibilities; saving ss. 597.0021(5), 597.005, and 597.006, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Agriculture.

By Senators Crenshaw and Thomas—

**SJR 328**—A joint resolution proposing the repeal of Section 16, Article III of the State Constitution, relating to legislative apportionment, and the addition of Section 10, Article II of the State Constitution, relating to requiring the establishment of a commission to reapportion the state legislative districts and redistrict congressional districts, prescribing guidelines for such reapportionment and redistricting, and providing for judicial review thereof.

—was referred to the Committee on Rules and Calendar.

By Senator Weinstein—

**SB 330**—A bill to be entitled An act relating to the Florida Retirement System; amending ss. 121.021, 121.0515, F.S.; adding to the Special Risk Class of membership within the system certain emergency medical technicians and paramedics; providing for the purchase of retirement credit in the Special Risk Class based upon service as an emergency medical technician or paramedic; providing for a finding of important state interest; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; Community Affairs; and Appropriations.

By the Committee on Agriculture—

**SB 332**—A bill to be entitled An act relating to public fairs and expositions; amending s. 616.001, F.S.; revising and providing definitions; amending s. 616.07, F.S.; providing that directors and trustees of fair associations incorporated under ch. 616, F.S., are not personally liable for debts of the association; amending s. 616.08, F.S.; providing additional powers of fair associations; renumbering and amending s. 616.091, F.S., relating to trade standards for operation at public fairs and expositions; renumbering and amending s. 616.0915, F.S., relating to safety standards for operation at public fairs and expositions; providing for revocation of permit or imposition of an administrative fine for operating an amusement device or amusement attraction following an accident resulting in a serious injury or death; exempting amusement attractions from nondestructive tests for metal fatigue; revising provisions regulating companies engaged in the rental of amusement devices and amusement attractions to provide certain minimum thresholds for regulation at public events; amending s. 616.11, F.S.; authorizing fair associations to contract with the state or any of its agencies or subdivisions for property or services; amending s. 616.13, F.S.; requiring persons engaged in the business of providing temporary amusement devices and amusement attractions within 5 miles of a fair association under certain circumstances to pay a specified daily license tax; amending s. 616.17, F.S.; authorizing the Department of Agriculture and Consumer Services to waive minimum exhibit requirements under certain circumstances; amending s. 616.252, F.S.; increasing and revising the membership of the authority; conforming changes; amending ss. 616.01, 616.02, 616.03, 616.04, 616.05, 616.051, 616.06, 616.09, 616.101, 616.12, 616.121, 616.14, 616.15, 616.19, 616.21, 616.22, 616.23, 616.251, 616.253, 616.254, 616.255, 616.256, 616.257, 616.258, 616.259, 616.260, 616.261, 616.262, 616.263, and 616.265, F.S.; providing conforming changes; renumbering and amending s. 616.266, F.S., relating to trespass; renumbering and amending ss. 616.27 and 616.28, F.S., relating to rules and enforcement, respectively; dividing ch. 616, F.S., into parts; saving ss. 616.21(2) and 616.251, F.S., from Sundown repeal; repealing s. 92, ch. 92-291, Laws of Florida, relating to future repeal of s. 616.0915, F.S.; providing an effective date.

—was referred to the Committee on Agriculture.

By Senator Grant—

**SJR 334**—A joint resolution proposing amendments to Sections 10 and 11 of Article V of the State Constitution relating to the selection of judges.

—was referred to the Committees on Judiciary; and Rules and Calendar.

By Senator Bankhead—

**SB 336**—A bill to be entitled An act relating to the Florida Financial Institutions Code; amending s. 655.005, F.S.; revising certain criteria in the definition of “imminently insolvent”; amending ss. 655.012, 655.0385, 655.043, 655.045, 655.411, and 657.043, F.S.; clarifying certain provisions of the Florida Financial Institutions Code; amending s. 655.948, F.S.; clarifying provisions relating to events for which disclosure forms must be filed; amending s. 657.021, F.S.; deleting certain duties of directors of certain financial institutions upon taking office; amending s. 657.066, F.S.; requiring federal credit unions converting to state credit unions to pay certain fees under certain circumstances; amending s. 658.34, F.S.; requiring certain bank or trust company shares to be issued at a certain price; amending s. 658.68, F.S.; clarifying certain liquidity requirements of state banks; amending s. 658.73, F.S.; requiring certain financial institutions to pay an examination fee under certain circumstances; amending s. 665.013, F.S.; revising applicability of certain provisions of law to certain associations; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By Senators Bankhead and Kirkpatrick—

**SB 338**—A bill to be entitled An act relating to state-owned conservation and recreation lands; amending s. 253.023, F.S.; requiring the Department of Natural Resources to allow and authorizing the department to manage and control rhesus monkeys on state-owned land in certain circumstances; requiring population estimates; authorizing specified population control; authorizing subcontracting; providing nonapplicability of the act to certain other existing authority and existing contractual agreement of the department; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Senator Jenne—

**SB 340**—A bill to be entitled An act relating to the recording of instruments; amending s. 28.222, F.S.; requiring the clerk of the circuit court to record certain death certificates; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Holzendorf—

**SB 342**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term “creditable service”; creating s. 121.1115, F.S.; providing for the purchase, by certain members of the system, of creditable service for periods of employment as public school teachers in other states, subject to certain limitations and upon meeting certain conditions; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

By Senator McKay—

**SB 344**—A bill to be entitled An act relating to child support enforcement; amending s. 48.031, F.S.; requiring employers and educational institutions to allow access for service of process; amending s. 61.13, F.S.; providing for reimbursement to the obligee by the obligor for provision of health insurance by the obligee; creating s. 231.097, F.S.; providing for the suspension or denial of teaching certificates for child support arrearages; providing procedures; requiring notice; limiting liability; creating s. 409.2598, F.S.; providing for the suspension or denial of professional licenses or certifications for child support arrearages; providing procedures; requiring notice; amending s. 455.203, F.S.; providing for the suspension or denial of professional licenses for child support arrearages; providing procedures; requiring notice; limiting liability; amending s. 559.79, F.S.; providing for the suspension or denial of licenses for child support arrearages; providing procedures; requiring notice; limiting liability; creating s. 322.058, F.S.; providing for the suspension of driver licenses or vehicle registration for child support arrearages; providing for

notice; limiting liability; amending s. 409.2575, F.S.; providing for liens for child support arrearages; creating s. 409.2592, F.S.; providing for the use of a collection agency for child support obligations; repealing s. 90.502(5), F.S., relating to certain communications deemed confidential; amending s. 409.2564, F.S.; deleting the attorney-client relationship provision; requesting the Florida Supreme Court to adopt an amendment to the rules regulating The Florida Bar to discipline attorneys who are delinquent or fail to pay child support; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By Senator Meadows—

**SR 346**—A resolution commending the National Black Nurses Association for its contributions to African-American nurses and to health care for African-Americans and other minorities.

—was referred to the Committee on Rules and Calendar.

By Senator Meadows—

**SB 348**—A bill to be entitled An act relating to small and minority business enterprise programs; amending s. 287.0943, F.S.; permitting, rather than requiring, local governments to accept certain minority businesses with respect to procurement of personal property and services; providing an effective date.

—was referred to the Committees on International Trade, Economic Development and Tourism; and Community Affairs.

By Senator Burt—

**SB 350**—A bill to be entitled An act relating to the Halifax Hospital Medical Center, Volusia County; amending s. 5, ch. 79-577, Laws of Florida, as amended; authorizing this special tax district to arrange for the cooperative sharing of facilities and other resources and to merge or consolidate hospitals; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Beard—

**SB 352**—A bill to be entitled An act relating to the constitutional gas tax; amending s. 206.47, F.S.; amending the allowable uses of surplus gas tax funds distributed to the counties pursuant to the State Constitution; providing an effective date.

—was referred to the Committees on Transportation; and Finance, Taxation and Claims.

By Senator Sullivan—

**SB 354**—A bill to be entitled An act relating to rate of interest; amending s. 55.03, F.S.; providing rate of interest for certain judgments and decrees; providing an effective date.

—was referred to the Committees on Judiciary and Commerce.

By Senators Hargrett, Grant, Kiser, Thomas, Siegel, Crenshaw, Beard and Crist—

**SB 356**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; providing for retroactive application of the exemption from said tax for certain promotional materials which are exported outside the state; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By Senator Dudley—

**SB 358**—A bill to be entitled An act relating to clerks of the circuit courts; amending s. 28.222, F.S.; providing for recording of certain death certificates; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Dudley—

**SB 360**—A bill to be entitled An act relating to the Florida Revenue Sharing Act of 1972; amending s. 218.21, F.S.; revising the definition of "guaranteed entitlement" to adjust the annual increase in Metro-Dade County's distribution of the municipal revenue sharing program to the same percentage increase that other participating municipalities receive; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; Community Affairs; and Appropriations.

By Senator Dudley—

**SJR 362**—A joint resolution proposing an amendment to Section 6, Article VII of the State Constitution relating to the homestead tax exemption.

—was referred to the Committees on Finance, Taxation and Claims; Appropriations; and Rules and Calendar.

By Senator Dudley—

**SB 364**—A bill to be entitled An act relating to local occupational license taxes; creating s. 205.0315, F.S.; providing requirements for new occupational license tax ordinances adopted after October 1, 1995; amending ss. 205.032, 205.042, F.S.; revising the time for the publication of notice by a county or municipality prior to adoption of such taxes; amending ss. 205.033, 205.043, F.S.; revising fees for transfer of licenses; providing that provisions relating to distribution of county tax revenues are not applicable in certain circumstances; prohibiting adoption of an ordinance by certain counties levying an additional tax for economic development after January 1, 1995; specifying that revenues generated by the county tax may be used for economic development purposes; creating s. 205.045, F.S.; providing that a municipality may transfer to the county, and a county may transfer to a municipality, administrative duties relating to such taxes; amending s. 205.053, F.S.; revising the date for sale of licenses and the due date thereof; providing civil penalties for failure to obtain a required license; providing for costs and attorneys' fees; creating s. 205.0535, F.S.; authorizing counties and municipalities to reclassify occupations and establish new rate structures; providing requirements and limitations; providing requirements for subsequent rate increases; creating s. 205.0536, F.S.; providing for the distribution of county tax revenues after October 1, 1995; creating s. 205.0537, F.S.; providing requirements with respect to licensing of vending and amusement machines; providing effective dates.

—was referred to the Committees on Community Affairs; and Finance, Taxation and Claims.

By Senator Dudley—

**SCR 366**—A concurrent resolution designating Collier County as Purple Martin Capital of Florida.

—was referred to the Committee on Rules and Calendar.

By Senator Sullivan—

**SB 368**—A bill to be entitled An act relating to public school funding; amending s. 236.081, F.S.; revising provisions relating to computation of the basic amount to be allocated to each school district for operation of schools; authorizing the Commissioner of Education to provide that extended-school-year programs receive funding proportionately equiva-

lent to that of standard-school-year programs for school fiscal years 1993-1994 and 1994-1995; requiring the commissioner to develop legislation to provide that funding for submission to the 1995 Legislature; defining the term "extended school year"; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Holzendorf—

**SB 370**—A bill to be entitled An act relating to patients' records; amending ss. 395.3025, 455.241, F.S.; prohibiting charging for patients' records furnished to support certain claims or appeals under the Social Security Act; requiring such records to be furnished within a specified time; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Holzendorf—

**SB 372**—A bill to be entitled An act providing for the relief of Teresa Green, formerly known as Teresa Robinson, as personal representative of the estate of Annette Robinson, to compensate her and her seven siblings for the death of their mother, Annette Robinson, due to the negligence of the University Medical Center, Inc., Duval County, and the Board of Regents of the State of Florida; providing an appropriation; providing an effective date.

—was referred to the Special Master; and the Committees on Finance, Taxation and Claims; and Appropriations.

**SR 374** was introduced out of order and adopted this day.

By Senator Dudley—

**SB 376**—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry counties; amending chapter 87-477, Laws of Florida, as amended; providing for the plurality election of members of the district board of supervisors for each seat; providing for the elimination of annual landowners meeting under s. 298.12, Florida Statutes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Senator McKay—

**SR 378**—A resolution recognizing the month of May as "Awareness for Chronically Ill Children Month."

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

**SB 380**—A bill to be entitled An act relating to education; providing intent; requiring a review and recommendations relating to the operation, functions, and duties of the Department of Education; providing for review and repeal of certain statutes; providing an effective date.

—was referred to the Committees on Education; Governmental Operations; Appropriations; and Rules and Calendar.

By Senator Beard—

**SB 382**—A bill to be entitled An act relating to the Parole Commission; amending s. 947.002, F.S.; deleting obsolete provisions relating to the organization of the commission; amending s. 947.13, F.S.; clarifying the powers and duties of the commission in establishing terms and conditions of inmates released under conditional release, control release, or conditional medical release; amending s. 947.141, F.S.; providing additional duties of the commission in determining violations of control

release and conditional medical release; authorizing such determinations to be made by a panel of no fewer than two commissioners; amending s. 947.146, F.S.; providing for the Control Release Authority to establish a control release date for offenders whose release has been revoked; providing additional circumstances under which the authority may extend, advance, or postpone an inmate's control release date; providing circumstances under which the authority may vacate a grant of control release; amending s. 947.165, F.S.; conforming terminology and a cross-reference to changes made by the act; amending s. 947.173, F.S.; limiting review by the commission of an inmate's presumptive parole release date; amending s. 947.1745, F.S.; providing circumstances under which the commission may extend an inmate's presumptive parole release date; amending s. 947.24, F.S.; providing requirements for discharging persons from supervision pursuant to control release or conditional release; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By Senator McKay—

**SB 384**—A bill to be entitled An act relating to corporations not for profit; repealing s. 617.0122, F.S., which provides for filing fees; providing an effective date.

—was referred to the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

By Senator Grant—

**SB 386**—A bill to be entitled An act relating to sexually violent offenses; providing definitions; authorizing state attorneys to file sexually violent predator petitions against sexually violent offenders who are about to be released; providing for sexually violent predator commitment determinations; providing for commitment hearings and providing procedural and evidentiary considerations; providing an effective date.

—was referred to the Committees on Criminal Justice; Health and Rehabilitative Services; and Appropriations.

By Senator Grant—

**SB 388**—A bill to be entitled An act relating to education; amending s. 232.246, F.S., relating to general requirements for high school graduation; decreasing the number of required credits and providing for determination by district school boards; conforming provisions; amending s. 236.081, F.S., relating to the Florida Education Finance Program, to conform; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Grant—

**SB 390**—A bill to be entitled An act relating to unemployment compensation; requiring as a condition of benefit eligibility that temporary employees contact their temporary help employer for new work on completion of their temporary assignment; providing a definition; providing an effective date.

—was referred to the Committee on Commerce.

By Senator Grant—

**SB 392**—A bill to be entitled An act relating to credit; providing that any person who intentionally makes material false statements to obtain credit shall have his nonhomestead property subject to judgment and collection; providing for the award of attorney's fees, costs, and punitive damages; providing for a rebuttable presumption; providing an effective date.

—was referred to the Committees on Commerce and Judiciary.

By Senator Casas—

**SB 394**—A bill to be entitled An act relating to condominiums; amending s. 718.112, F.S.; providing for an additional required provision in condominium bylaws to provide a procedure for the supervision of elections by the Department of Business Regulation; providing a fee; providing an effective date.

—was referred to the Committee on Commerce.

By Senator Grant—

**SB 396**—A bill to be entitled An act relating to funeral homes, cemetery companies, crematory companies, and monument companies; creating the Florida Funeral, Cemetery, Crematory and Monument Administration Act; providing definitions; creating the Funeral, Cemetery, Crematory and Monument Board within the Department of Professional Regulation; providing for membership, functions, and authority; providing for the functions and authority of the Comptroller; providing for the administration of trust funds; providing for trust fund investments; providing for an annual report; providing for trust fund examinations; providing for trust fund deficiencies; providing for licensure and registration; providing for change of ownership; providing for cease and desist orders; providing for injunctive proceedings; providing for appeals from the board or the Comptroller; providing for rules and challenges; providing for hearings, witnesses, and appearances; providing for a fine; providing that certain investigatory records are confidential; providing for receivers and administrators; providing for dissolution or liquidation; providing for multiple operations; providing for solicitation of burial rights, merchandise, and services; providing requirements with respect to sales practices on merchandise and services; prohibiting unfair methods of competition and unfair or deceptive acts or practices; providing for information to the public; providing for the disposition of fees and penalties; providing for attorney's fees; providing for display of notice of regulation; providing a penalty for failure to comply; providing for recordkeeping; providing for inspections; permitting multiple licenses and registrations; providing exceptions; providing grounds for disciplinary action; providing for administrative penalties; providing for suspension and revocation; providing for civil remedies and civil liability; providing for criminal penalties; prohibiting discriminatory refusal to do business; providing a penalty; providing a savings clause; creating the Florida Preneed Sales Act; providing legislative purpose; providing for authorized preneed sellers and preneed sales; providing for restricted and qualified certificate-holders; providing for preneed trust fund deposits; providing for preneed trust fund withdrawals; providing for cancellation and refund; providing for alternative preneed contracts; providing for evidence of financial responsibility as an alternative to trust deposit; providing for performance and delivery; providing for preneed sales agents; providing for preneed contracts; providing for preneed insurance contracts; providing for preneed authorization; prohibiting unfair methods of preneed competition and unfair or deceptive acts or practices; creating a Preneed Contract Consumer Protection Trust Fund; providing for the transfer of preneed trust funds; providing for the application of the act; providing for the ownership of proceeds received in preneed contracts; providing for existing preneed trust funds and merchandise funds; providing for transfers of burial rights, merchandise, and services; creating the Florida Funeral Directors and Embalmers Licensing Act; providing legislative purpose; providing for the licensure of a funeral director by examination or endorsement; providing for the registration of funeral director interns; providing for the licensing of an embalmer by examination or endorsement; providing for the registration of embalmer interns; providing for concurrent internships, dual licenses, and display of license; providing for training by accredited institutions; providing for renewal of funeral director and embalmer licenses; providing for inactive status; providing for the practice of funeral directing; providing for licensing standards for funeral establishments; providing for the registration of direct cremationists; providing for registration renewal; providing duties of direct cremationists; providing for registration standards for direct cremation establishments; providing for fees; providing for authorization for funeral; prohibiting unauthorized conduct; providing for health and safety education; providing for continuing education; providing for reciprocity, temporary license, removal services, refrigeration facilities, and centralized embalming facilities; providing for disclosure of identity; providing for itemized price lists and disclosure; providing for cash advance and escrow refund accounts; providing for affidavit of cases embalmed and bodies handled;

providing that it is unlawful to remove or embalm a body under certain circumstances; providing for embalming and refrigeration; prohibiting violations; creating the Florida Cemetery Act; providing for legislative purpose; providing for scope; providing for the effect of the act on existing cemeteries; providing for licenses, applications, and fees for cemetery authorities; providing for endowment care trust funds; providing for remedy of the board; providing for disposition of income of endowment care trust funds; providing for notice; providing for a percentage of payments for burial rights and monument maintenance; providing liability for endowment care trust fund income; providing for minimum acreage and the sale or disposition of cemetery lands; providing for the dedication of cemetery property; providing for construction of mausoleums and pre-construction trust funds; providing compliance requirements; providing for authorized functions of cemetery authorities; providing for the installation and maintenance of monuments; providing fees; providing for outer burial container installation; providing fees; prohibiting illegal tying arrangements; providing for immunity and actions with respect to abandoned cemeteries; requiring the provision of addresses; providing for a presumption of abandonment, procedures, and sale of abandoned unused burial rights; providing for disclosures; providing for authorization for burial; providing for disinterment; providing for private mausoleums; providing for rules; providing for records; providing for the right of ingress and egress for visiting or maintenance; providing for the registration of exempt cemeteries; providing for the registration of monument establishments; creating the Florida Crematory and Cremation Act; providing legislative purpose; providing for the establishment of a crematory and for licensure of a crematory authority; providing for authorizing agents; providing for authorization to cremate; providing for recordkeeping; providing for cremation receptacles; providing for cremation procedures; providing for the disposition of cremated remains; providing for limitation of liability; providing requirements with respect to pacemakers and hazardous implants; providing for rules; providing for preneed cremation arrangements; providing for scope; repealing ch. 470, F.S., relating to funeral directing, embalming, and direct disposition of bodies; repealing chapter 497, F.S., relating to the Florida Cemetery Act; repealing ch. 639, F.S., relating to preneed funeral merchandise or service contracts; amending ss. 245.07, 624.523, 626.785, 628.4615, F.S.; correcting statutory cross-references; repealing s. 704.08, F.S., relating to the right of ingress or egress for visiting or maintenance in cemeteries; providing an effective date.

—was referred to the Committees on Professional Regulation; Commerce; Finance, Taxation and Claims; and Appropriations.

By Senators Weinstein and Sullivan—

**SB 398**—A bill to be entitled An act relating to the Florida Motor Vehicle Repair Act; amending s. 559.901, F.S.; correcting a reference; amending s. 559.902, F.S.; providing for scope and application; amending s. 559.903, F.S.; providing definitions; creating s. 559.904, F.S.; providing for motor vehicle repair shop registration; providing for application for exemption; providing fees; amending s. 559.907, F.S.; correcting a reference; amending s. 559.909, F.S.; revising language with respect to unlawful charges; amending s. 559.911, F.S.; providing for additional information on the required repair invoice; amending s. 559.915, F.S.; requiring the keeping of customer records for an additional time period; providing for access to records by the Department of Agriculture and Consumer Services; creating s. 559.916, F.S.; providing for required disclosure, signs, and notice to customers; amending s. 559.919, F.S.; correcting a reference; creating s. 559.920, F.S.; providing for unlawful acts and practices; renumbering and amending s. 559.923, F.S., relating to remedies; creating s. 559.922, F.S.; providing for financial assistance with respect to training; providing an effective date.

—was referred to the Committees on Professional Regulation; Finance, Taxation and Claims; and Appropriations.

By Senator Grant—

**SB 400**—A bill to be entitled An act relating to sexual offenses; amending ss. 794.011, 794.041, 794.05, F.S.; providing that persons convicted of specified sexual offenses are ineligible for gain-time or provisional credits; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By Senator Dudley—

**SB 402**—A bill to be entitled An act relating to corporations; amending s. 607.0120, F.S.; revising filing requirements; amending s. 607.0123, F.S.; revising provisions with respect to the effective time and date of certain documents; amending s. 607.0124, F.S.; revising provisions with respect to correcting a filed document; amending s. 607.0202, F.S.; deleting certain required information in the articles of incorporation; amending s. 607.0301, F.S.; revising provisions with respect to the purposes and application of the Florida Business Corporation Act; amending s. 607.0401, F.S.; revising provisions with respect to the corporate name; amending s. 607.0501, F.S.; eliminating a required report filed by a registered agent; amending s. 607.0502, F.S.; revising provisions with respect to the resignation of a registered agent; amending s. 607.0601, F.S.; revising provisions with respect to authorized shares; providing requirements with respect to classes of shares; amending s. 607.0603, F.S.; revising provisions with respect to outstanding shares; amending s. 607.0620, F.S.; revising provisions with respect to subscribers who default; amending s. 607.0703, F.S.; revising provisions with respect to court ordered meetings; amending s. 607.0704, F.S.; revising provisions with respect to actions by shareholders without a meeting; amending s. 607.0720, F.S.; revising provisions with respect to shareholders' list for meeting; amending s. 607.0725, F.S.; providing additional requirements with respect to quorum and voting requirements; repealing s. 607.0727, F.S., relating to shareholder quorum and voting and greater or lesser voting requirements; amending s. 607.0730, F.S.; revising provisions with respect to voting trusts; amending s. 607.0731, F.S.; revising provisions with respect to shareholders' agreements; amending s. 607.0804, F.S.; revising provisions with respect to the election of directors by certain voting groups; amending s. 607.0806, F.S.; revising provisions with respect to staggered terms for directors; repealing s. 607.0831(4), (6), F.S., which provides for certain quorums and which relate to the liability of certain officers; amending s. 607.0832, F.S.; revising provisions with respect to director conflicts of interest; amending s. 607.0901, F.S.; revising provisions with respect to affiliated transactions; amending s. 607.0902, F.S.; revising provisions with respect to control-share transactions; amending s. 607.1002, F.S.; providing that the board of directors may adopt an amendment to the articles of incorporation, without shareholder action, to change the par value for a class or series of shares; amending s. 607.1006, F.S.; revising provisions with respect to articles of amendment; amending s. 607.1007, F.S.; revising provisions with respect to restated articles of incorporation; repealing s. 607.1103(7)(c), F.S., which provides that action by the shareholders of a surviving corporation is not required with respect to action on a plan under certain circumstances; amending s. 607.1104, F.S.; revising provisions with respect to the merger of a subsidiary corporation; amending s. 607.1105, F.S.; revising provisions with respect to mergers; amending s. 607.1320, F.S.; revising provisions with respect to the procedure for exercise of dissenters' rights; amending s. 607.1406, F.S.; revising provisions with respect to claims against a dissolved corporation; amending s. 607.1433, F.S.; revising provisions with respect to judgment of dissolution; amending s. 607.1506, F.S.; revising provisions with respect to the use of a fictitious name; amending s. 607.1507, F.S.; requiring a filed written statement by certain registered agents; amending s. 607.1508, F.S.; revising provisions with respect to a registered agent's change of address; amending s. 607.1509, F.S.; revising provisions with respect to the termination of an agency appointment; amending s. 617.01201, F.S.; providing that certain documents filed by corporations not for profit must be legible; amending s. 617.0122, F.S.; providing fees for filing documents; providing a fee exemption for certain nonprofit organizations; amending s. 617.0123, F.S.; revising provisions with respect to the effective date of a document; amending s. 617.0124, F.S.; revising provisions with respect to correcting filed documents; amending s. 617.01301, F.S.; specifying documents that the Department of State is not required to file; authorizing the Department of State to bring certain court actions and certify to the Department of Legal Affairs for further action; amending s. 617.0202, F.S.; providing additional required information to be set forth in the articles of incorporation; amending s. 617.0401, F.S.; revising provisions with respect to the corporate name; amending s. 617.0501, F.S.; revising provisions with respect to a registered agent; amending s. 617.0502, F.S.; revising provisions with respect to the resignation of a registered agent; creating s. 617.0503, F.S.; providing for duties of registered agents; amending s. 617.0601, F.S.; revising provisions with respect to corporation members; creating s. 617.0604, F.S.; limiting liability of a member of a corporation; amending s. 617.0701, F.S.; revising provisions with respect to members' meetings; amending s. 617.0721, F.S.; providing for voting by members; creating s. 617.0730, F.S.; providing for required

provisions with respect to members of the corporation; amending s. 617.0808, F.S.; revising provisions with respect to removal of directors; amending s. 617.0833, F.S.; revising provisions relating to loans to directors or officers; amending s. 617.1001, F.S.; providing for amendments to the articles of incorporation; amending s. 617.1002, F.S.; revising provisions with respect to the procedure for amendments to the articles of incorporation; amending s. 617.1007, F.S.; revising provisions with respect to restated articles of incorporation; amending s. 617.1401, F.S.; providing that articles of dissolution must be executed in a certain manner; amending s. 617.1433, F.S.; providing for judgment of dissolution; amending s. 617.1502, F.S.; authorizing the Department of State rather than the Department of Legal Affairs to collect penalties from foreign corporations; amending s. 617.1504, F.S.; providing an additional set of circumstances requiring an amended certificate of authority; amending s. 617.1506, F.S.; revising provisions with respect to the corporate name of a foreign corporation; amending s. 617.1507, F.S.; revising provisions with respect to the registered office and registered agent of a foreign corporation; amending s. 617.1508, F.S.; revising provisions with respect to change of address of a registered agent; amending s. 617.1509, F.S.; providing for the termination of agency appointments for foreign corporations; amending s. 617.1601, F.S.; revising provisions with respect to corporate records; creating s. 617.1602, F.S.; providing for inspection of records by members; creating s. 617.1603, F.S.; providing for the scope of the inspection right; creating s. 617.1604, F.S.; providing for court ordered inspection; creating s. 617.1605, F.S.; providing for financial reports for members; amending s. 617.1622, F.S.; providing for additional information in an annual report; amending s. 617.1623, F.S.; revising provisions with respect to corporate information available to the public; amending s. 617.1908, F.S.; providing for the applicability of the Business Corporation Act; creating s. 617.2102, F.S.; providing for fines and penalties against members; creating s. 617.2103, F.S.; providing exemptions for certain corporations; amending s. 620.103, F.S.; revising provisions with respect to the name of a limited partnership; providing effective dates.

—was referred to the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

By Senator Dudley—

**SB 404**—A bill to be entitled An act relating to regional governance; amending s. 163.3167, F.S., creating s. 380.0601, F.S.; prescribing duties of the Department of Community Affairs with respect to integration of development-of-regional-impact reviews; amending s. 186.006, F.S.; providing duties of the Executive Office of the Governor in designating the boundaries of comprehensive planning districts; amending s. 186.505, F.S.; altering dates by which certain reports of regional planning council fiscal matters must be reported; providing duties of such councils with respect to standards used in development-of-regional-impact reviews; creating s. 185.5055, F.S.; prescribing additional duties of regional planning councils; amending s. 186.506, F.S.; prescribing duties of the Executive Office of the Governor with respect to analysis of the boundaries of metropolitan planning organizations and to appointment of an advisory committee on comprehensive planning districts; amending s. 186.507, F.S.; redesignating comprehensive regional policy plans as strategic regional policy plans; revising provisions relating to content and objectives of such plans; amending s. 186.508, F.S.; providing procedures for amendment of strategic regional policy plans; amending s. 186.509, F.S.; revising provisions relating to mediation of conflicts between local governments; amending ss. 380.06, 380.0651, F.S.; providing for standards to be used in reviewing developments of regional impact; amending s. 380.0605, F.S.; prescribing duties of regional planning councils with respect to certifying local governments to conduct development-of-regional-impact reviews; amending s. 380.07, F.S.; removing authority of a regional planning agency to appeal a development order issued for an area of critical state concern; amending ss. 163.3177, 163.3184, 186.007, 186.503, 186.511, 187.201, 240.522, 341.322, 341.3334, 341.335, 369.307, 380.061, 403.507, 403.526, 403.941, 408.033, F.S.; conforming terminology to the redesignation of comprehensive regional policy plans as strategic regional policy plans; repealing s. 1(3), ch. 92-182, Laws of Florida, which repealed the Florida Regional Planning Council Act and provided for the review of that act under the Regulatory Sunset Act; amending s. 373.196, F.S.; prescribing conditions to be met by a water management district, or its basin board, that supplies water; amending s. 373.1961, F.S.; prescribing authority of a district to supply water; amending s. 373.1962, F.S.; providing that the Department of Environmental Regulation is the state entity that must approve creation of regional water supply authorities;

amending s. 373.019, F.S.; redefining the term “water management district”; amending s. 373.503, F.S.; increasing the maximum millage rate that may be levied by the Northwest Florida Water Management District; amending s. 373.073, F.S.; prescribing additional qualifications for members of water management district governing boards; providing that such qualifications do not apply to current members; removing residency requirements for such members; creating s. 373.0394, F.S.; providing for water management district plans; providing for rules; creating s. 373.058, F.S.; providing for interlocal agreements between certain water management districts; amending ss. 339.155, 339.175, F.S.; prescribing duties of metropolitan planning organizations with respect to transportation plans; requiring an inventory of transportation facilities and needs assessment; prescribing metropolitan planning organization duties with respect to organization boundaries and jurisdiction; requiring balanced composition of organization governing boards; creating s. 339.185, F.S.; prescribing duties of the Department of Transportation with respect to agreements entered into by metropolitan planning organizations; providing an effective date.

—was referred to the Committees on Community Affairs; Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

By Senator Kirkpatrick—

**SB 406**—A bill to be entitled An act relating to health care; directing the Agency for Health Care Administration to develop recommendations for assessing the use of hospital resources by health care providers; requiring a report; directing the agency to develop recommendations for an automated system for health insurance transactions; requiring a report; requiring the Department of Health and Rehabilitative Services to develop recommendations for expanded coverage under the Medicaid program; requiring the department to apply for a waiver of certain federal requirements; amending s. 455.236, F.S.; redefining the term “investment interest” to exclude certain investment interests in certain hospitals or nursing home facilities; providing a divestiture period; providing an effective date.

—was referred to the Committees on Health Care; Health and Rehabilitative Services; and Appropriations.

By Senator Sullivan—

**SB 408**—A bill to be entitled An act relating to water-treatment devices; amending s. 817.558, F.S.; deleting a requirement that advertisements and solicitations for water-treatment devices contain certain information with respect to operating, maintaining, and replacing the devices; clarifying provisions; providing an effective date.

—was referred to the Committee on Professional Regulation.

By Senators Dudley, Kirkpatrick and Beard—

**SB 410**—A bill to be entitled An act relating to elementary and secondary education; amending s. 228.041, F.S.; revising the definitions of the terms “habitual truant” and “dropout” for purposes of the Florida School Code; amending s. 232.2468, F.S.; revising the methods for calculating graduation and dropout rates; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Holzendorf—

**SB 412**—A bill to be entitled An act relating to weapons and firearms; amending s. 790.115, F.S.; revising the prohibition against exhibiting a firearm or certain other destructive devices on school grounds or school facilities to prohibit any such action within a specified area of the property comprising an elementary school, middle school, or secondary school; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Grant—

**SB 414**—A bill to be entitled An act relating to criminal offenses; amending s. 794.011, F.S.; providing for testing persons convicted of sexual battery for human immunodeficiency virus infection; providing for enhanced penalties for those who test positive; amending s. 944.275, F.S.; providing that inmates serving sentences for specified violent offenses are ineligible for gain-time; providing an effective date.

—was referred to the Committees on Criminal Justice; Corrections, Probation and Parole; and Appropriations.

By Senator Dudley—

**SB 416**—A bill to be entitled An act relating to license plates; providing for the issuance of license plates to commemorate the bald eagle; providing fees; providing for the use of such fees; requiring a minimum number of applications before the license plate may be developed; providing for the discontinuance of such license plates; providing an effective date.

—was referred to the Committees on Transportation; Finance, Taxation and Claims; and Appropriations.

By Senator Gutman—

**SB 418**—A bill to be entitled An act relating to the Office of the Inspector General; providing legislative intent; creating the Office of the Inspector General; providing for appointment, term, location, and staff of the Inspector General; prohibiting the Inspector General from lobbying for a certain time after leaving office; providing definitions; providing powers and duties of the Inspector General; requiring the Inspector General to prepare and provide reports of inspections; providing for deducting costs of inspections from budgets of certain governmental entities under certain circumstances; providing an effective date.

—was referred to the Committees on Governmental Operations; Rules and Calendar; and Appropriations.

By Senator Grogan—

**SB 420**—A bill to be entitled An act relating to lewd and lascivious behavior; amending s. 800.04, F.S.; prohibiting eligibility for gain-time for persons convicted of committing a lewd, lascivious, or indecent assault or act upon or in the presence of a minor child; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By Senator Crist—

**SB 422**—A bill to be entitled An act relating to saltwater fishing; amending s. 370.0605, F.S.; providing that a saltwater fishing license may be renewed by mail; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Finance, Taxation and Claims.

By Senators Johnson and Wexler—

**SB 424**—A bill to be entitled An act relating to education; amending s. 232.27, F.S.; prohibiting the use of corporal punishment; providing exceptions; providing penalties for violations; providing for the adoption of rules; providing an effective date.

—was referred to the Committee on Education.

By Senator Dudley—

**SB 426**—A bill to be entitled An act relating to public records; creating a municipal clerk's capital equipment modernization trust fund in each municipality to provide for equipment and training to update and

improve recordkeeping systems; requiring the person responsible for records within each municipality to administer the trust fund; imposing a surcharge on each instrument filed with the clerk of the circuit court to fund the improvements; requiring each clerk of the circuit court to transfer to municipalities and counties revenue derived from the surcharge; authorizing each clerk of the circuit court to retain a specified portion of such moneys for administrative purposes; providing for the governing body of the municipality to appropriate moneys from the trust fund only upon request of the municipal clerk; authorizing municipalities to audit the receipt and disbursement of surcharge proceeds; providing an effective date.

—was referred to the Committees on Community Affairs; and Finance, Taxation and Claims.

By Senator Jones—

**SB 428**—A bill to be entitled An act relating to domestic relations; amending s. 61.052, F.S.; providing that evidence at a hearing on a petition for dissolution of marriage need not be corroborated; amending s. 61.075, F.S.; providing for unequal distribution of marital assets and liabilities; providing additional factors to be considered by court in making a distribution; amending s. 61.13, F.S.; requiring court to consider evidence of spouse abuse or child abuse in determining parental responsibility for a minor child; authorizing courts to award visitation rights to persons having a significant relationship with a minor child; providing additional criteria to be considered in deciding shared responsibility and primary residence; providing that a person having a significant relationship with a minor child may not be deprived of visitation rights, custody, or a parental relationship solely because the person is believed to be infected with human immunodeficiency virus; amending s. 61.14, F.S.; providing for modification of support, maintenance, or alimony agreements or orders under certain conditions; providing that degree of proof for modifying the obligations is the same for obligations established by court order and those established by voluntary agreement; amending s. 61.16, F.S.; providing that certain applications need not be corroborated by expert testimony; amending s. 61.30, F.S.; providing additional criteria for courts to consider in adjusting minimum child support awards; amending s. 741.235, F.S.; providing for abrogation of interspousal tort immunity; amending s. 742.045, F.S.; providing that certain applications in paternity proceedings need not be corroborated by expert testimony; amending s. 752.001, F.S.; providing a definition; amending s. 752.01, F.S.; providing for actions by persons having a significant relationship with a minor child; amending ss. 752.015, 752.02, 752.07, F.S.; providing conforming language; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Turner—

**SB 430**—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 402.33, F.S.; changing the method to be used in determining whether a client of the department is exempt from paying for certain services; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By Senators Grant, Casas, Forman, Silver and Jones—

**SB 432**—A bill to be entitled An act relating to dietetics and nutrition practice; amending ss. 468.501, 468.502, 468.503, 468.504, 468.505, 468.506, 468.509, 468.511, 468.512, 468.513, 468.517, and 468.518, F.S.; revising, and renaming, the Dietetics and Nutrition Practice Act to remove nutritionists from regulation thereunder; repealing s. 468.51, F.S., relating to licensure of nutrition counselors, to conform; creating ss. 468.561-468.574, F.S.; providing for regulation of nutrition counselors under the Nutrition Counselors Practice Act; providing purpose, definitions, and exemptions from the act; creating the Nutrition Counselors Practice Board and providing duties thereof; providing duties of the Department of Professional Regulation; providing licensure requirements and fees; requiring license display; providing for license renewal and inactive status; providing prohibitions and penalties; providing grounds for disciplinary action; providing an effective date.

—was referred to the Committees on Professional Regulation; Finance, Taxation and Claims; and Appropriations.

By Senator Turner—

**SB 434**—A bill to be entitled An act relating to criminal offenses; amending s. 893.13, F.S.; providing for increased penalties with respect to offenses involving controlled substances which are committed within a “safe senior citizen zone”; providing an effective date.

—was referred to the Committees on Criminal Justice and Appropriations.

By Senator Diaz-Balart—

**SB 436**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; renaming the Accident Reports Trust Fund as the Highway Safety Operating Trust Fund, to be used to fund the general operations of the department; abolishing the Drivers’ Education Trust Fund, the Florida Real Time Vehicle Information System Trust Fund, the Motor Vehicle Inspection Trust Fund, the Motor Vehicle License Plate Replacement Trust Fund, and the Odometer Fraud Prevention and Detection Trust Fund and providing for depositing revenues that are currently deposited into those funds into the Highway Safety Operating Trust Fund; repealing s. 215.20(4)(jj), F.S., relating to the Motor Vehicle Inspection Trust Fund; amending ss. 316.2124, 318.1451, 319.324, 320.06, 320.0607, 320.08, 320.0848, 320.089, 320.131, 320.27, 320.77, 321.23, 322.025, 322.095, 322.12, 322.17, 322.20, 325.214, 627.733, F.S.; providing for deposit or revenues into the Highway Safety Operating Trust Fund; amending s. 320.03, F.S.; providing for tax collectors to refund fees paid in relation to motor vehicle licenses and titles; amending s. 316.71, F.S.; deleting provisions relating to fees for services relating to records of motor vehicle and mobile home title certificates; amending s. 319.25, F.S.; prescribing fees for motor vehicle title records; amending s. 320.05, F.S.; prescribing fees for motor vehicle registration records; amending s. 321.21, F.S.; increasing the funeral allowance for members of the Florida Highway Patrol and deleting authority to pay a funeral allowance for other employees of the department; providing effective dates.

—was referred to the Committees on Transportation; Personnel, Retirement and Collective Bargaining; Finance, Taxation and Claims; and Appropriations.

By Senator Johnson—

**SB 438**—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.515, F.S.; providing an exemption from length limitations for a truck or truck tractor-semitrailer combination transporting horticultural trees; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Johnson—

**SB 440**—A bill to be entitled An act relating to educational facilities; amending s. 235.014, F.S.; revising functions of the Office of Educational Facilities of the Department of Education relating to request for maintenance of sidewalks and bicycle trails and approval of site purchases; providing duties of the Department of Management Services relating to the Florida School for the Deaf and Blind; amending s. 235.054, F.S.; requiring office approval of certain site purchases and submission of a site-waiver request; amending s. 235.056, F.S.; revising provisions relating to lease and lease-purchase of educational facilities and sites; providing inspection and review requirements; amending s. 235.19, F.S.; providing board duties relating to maintenance of sidewalks and bicycle trails; amending s. 235.26, F.S., relating to the State Uniform Building Code for Public Educational Facilities Construction; exempting the Florida School for the Deaf and the Blind from conformance to the code; clarifying provisions; providing for certain inspections; requiring certain information for office approval; amending s. 235.31, F.S., relating to the awarding of contracts; amending s. 235.41, F.S.; revising provisions relating to the submission and content of the capital outlay budget request; amending s. 235.42, F.S.; revising provisions relating to appropriations to and from the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 230.23, F.S.; providing a duty of school boards relating to full school utilization programs; amending s. 236.25, F.S.; revising provisions

relating to use of the district school tax for capital outlay purposes; repealing s. 235.439, F.S., relating to evaluation of full school utilization programs; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Johnson—

**SB 442**—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; authorizing the use of tax revenues for public recreational parks by certain counties; providing an effective date.

—was referred to the Committees on Community Affairs; and Finance, Taxation and Claims.

By Senator Johnson—

**SB 444**—A bill to be entitled An act relating to alcoholic beverages; creating s. 562.0605, F.S.; requiring licensed vendors to post certain health warning signs in licensed self-serve package outlets; directing the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation to furnish the required signs; prohibiting the selling or serving of an alcoholic beverage in a room in which such a warning sign is not posted as required; providing penalties; providing an effective date.

—was referred to the Committees on Commerce; Criminal Justice; and Finance, Taxation and Claims.

By Senator Dantzler—

**SB 446**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; revising the exemption from public records requirements for personal information relating to law enforcement, correctional, and correctional probation officers, certain personnel of the Department of Health and Rehabilitative Services and the Department of Law Enforcement, certified firefighters, justices, and judges; amending s. 281.301, F.S.; clarifying the exemptions from public records and public meetings requirements for information about certain security systems; authorizing the release of information under certain conditions; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Senator Dantzler—

**SB 448**—A bill to be entitled An act relating to construction contracting; amending s. 489.103, F.S.; exempting the sale or installation of awnings from regulation under pt. I, ch. 489, F.S., relating to construction contracting; providing an effective date.

—was referred to the Committee on Professional Regulation.

By Senators Siegel, Diaz-Balart, Silver and Brown-Waite—

**SB 450**—A bill to be entitled An act relating to uniform traffic control; amending s. 316.2015, F.S.; prohibiting certain minors from riding within the body of a pickup truck or flatbed truck; providing exceptions; providing a penalty; providing an effective date.

—was referred to the Committee on Transportation.

**SB 452** was introduced out of order and referenced February 2.

By Senator Grogan—

**SB 454**—A bill to be entitled An act relating to Brevard County; authorizing the enactment of ordinances prohibiting the taking of fish from any residential, manmade saltwater canal with certain exceptions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Burt—

**SB 456**—A bill to be entitled An act relating to Volusia County; repealing specified acts of the Legislature relating to Volusia County and the municipalities therein, and providing for the future repeal of other such special acts, which are antiquated, obsolete, or dormant; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Sullivan—

**SB 458**—A bill to be entitled An act relating to the Board of Juvenile Welfare, Pinellas County; repealing section 3 of chapter 92-228, Laws of Florida; continuing the board's exemption from paying fees, taxes, or increment revenue to community redevelopment agencies created pursuant to part III of chapter 163, Florida Statutes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Williams—

**SB 460**—A bill to be entitled An act relating to appropriations; providing that funds appropriated for a beach renourishment project may be used for that purpose or other erosion control regardless of whether federal matching funds are available for the project; providing an effective date.

—was referred to the Committee on Appropriations.

By Senator Dyer—

**SB 462**—A bill to be entitled An act relating to incineration of solid waste; requiring the Department of Environmental Regulation to review the use of incinerators for disposal of solid waste; providing a more stringent permitting and certification process for certain incinerator facilities; requiring the department to establish a program for reviewing waste-disposal incinerator facilities; providing criteria for the program; provid-

ing for an advisory task force; providing for a public hearing; providing an appropriation; providing for legislative review; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Community Affairs; and Appropriations.

By Senator Kirkpatrick—

**SB 464**—A bill to be entitled An act relating to solid waste; amending s. 403.713, F.S.; providing for ownership and control of certain recovered materials; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Community Affairs.

#### COMMITTEE MEMBERSHIP CHANGE

The President announced the appointment of Senator Forman to the Committee on Health Care.

The President announced that at the request of Senator Jenne he was removing him from the Committee on Health Care.

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of February 2 was corrected and approved.

#### CO-SPONSORS

Senator Brown-Waite—SB 292; Senator Crist—SB 100; Senator Dudley—SB 242; Senator Foley—SB 262; Senator Grant—SB 100, SB 242, SB 262; Senator Kirkpatrick—SB 100, SB 242; Senator Meadows—SB 174; Senator Silver—SB 284; Senator Williams—SB 100, SB 284

Senator Crenshaw withdrew as a co-sponsor of SB 356.

#### RECESS

On motion by Senator Jennings, the Senate recessed at 9:47 a.m. for the purpose of holding committee meetings and conducting other Senate business until 9:00 a.m., Wednesday, February 17.