



Journal of the Senate

ORGANIZATION SESSION

Tuesday, November 17, 1998

Journal of the Senate for the Organization Session of the Sixteenth Legislature to be convened under the Constitution of Florida, as revised in 1968, and subsequently amended, begun and held at the Capitol in the City of Tallahassee, in the State of Florida, on Tuesday, the Seventeenth day of November, A.D., 1998, being the day fixed by the Constitution for the purpose of organization.

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SENATE DISTRICT NUMBER

2	Betty S. Holzendorf, Jacksonville
4	Richard Mitchell, Jasper
6	Jim Horne, Orange Park
8	William G. "Bill" Bankhead, Ponte Vedra Beach
10	Virginia "Ginny" Brown-Waite, Brooksville
12	Daniel Webster, Winter Garden
14	Buddy Dyer, Orlando
16	Locke Burt, Ormond Beach
18	Charlie Bronson, Satellite Beach
20	Jim Sebesta, St. Petersburg
22	Don Sullivan, Seminole
24	Lisa Carlton, Osprey
25	Burt Saunders, Naples
26	John McKay, Bradenton
28	Ron Klein, Boca Raton
30	Muriel "Mandy" Dawson-White, Ft. Lauderdale
32	Howard C. Forman, Cooper City
34	Alberto "Al" Gutman, Miami
36	Kendrick Meek, Miami
38	Ronald "Ron" A. Silver, North Miami Beach
40	Daryl L. Jones, Miami

CALL TO ORDER

The Senate was called to order by President Jennings at 11:15 a.m.

PRAYER

The following prayer was offered by Lt. General Bob Milligan, United States Marine Corps, Retired, and Comptroller of the State of Florida:

Let us pray. With heads bowed, we lift our hearts and minds to the God of peace and enlightenment.

Mighty God, pour out your love for the men and women who join here as one body.

Give them the internal strength to subordinate individual wants and desires to the attainment of the highest aspirations and ultimate goals of the group as a whole.

Give them the persistence and discipline to deal with issues with human compassion and recognition of the value of diversity, tempered by commonality to the benefit of all.

Guide President Jennings as she leads this chamber into the 21st Century. Remind us all, frequently, of who put us into these positions of great responsibility. Amen.

PLEDGE

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

CERTIFICATE RECEIVED

The Secretary announced that The Honorable Sandra B. Mortham, Secretary of State, had certified to the election of 21 Senators as follows:

STATE OF FLORIDA OFFICE OF SECRETARY OF STATE

I, Sandra B. Mortham, Secretary of State of the State of Florida, do hereby certify that the following Members of the State Senate were elected at the General Election held on the Third day of November, A.D., 1998, as shown by the election returns on file in this office:



GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this 12th day of November, A.D., 1998.

Sandra Mortham
SECRETARY OF STATE

Notice Received

The Senate received a timely-filed notice contesting the election of the Senator from the 34th District.

OATH OF OFFICE ADMINISTERED

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

ROLL CALL

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

Madam President	Dawson-White	Jones	Myers
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Saunders
Brown-Waite	Forman	Kurth	Scott
Burt	Geller	Latvala	Sebesta
Campbell	Grant	Laurent	Silver
Carlton	Gutman	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

A quorum present—39

Excused: Senator Casas

CERTIFICATE RECEIVED

The President announced that the Minority (Democratic) Party had certified the name of Senator Buddy Dyer as Minority Leader and Senator Betty Holzendorf as Minority Leader Pro Tempore for the November 1998 to November 2000 term.

INTRODUCTION OF FORMER PRESIDENTS

The President announced that in addition to former Senate Presidents W. D. Childers, Pat Thomas and James Scott, who still serve in the Senate, the Senate was honored by the presence of former Presidents Mallory Horne, John Vogt, Gwen Margolis and Ander Crenshaw.

INTRODUCTION OF SPECIAL GUESTS

The President introduced former Senators Fred Dudley, Charlie Crist, Bill Turner and Congressman Mark Foley; Supreme Court Chief Justice Major B. Harding and his wife, Jane; and Justice Charles Wells; Cabinet members Bob Butterworth, Attorney General; Sandra Mortham, Secretary of State; and Bob Milligan, Comptroller.

The President also introduced the following special guests: Jeb Bush, Governor-elect; Education Commissioner Frank Brogan, Lt. Governor-elect; former Senator Katherine Harris, Secretary of State-elect; and Tom Gallagher, Education Commissioner-elect and his wife, Laura.

ORGANIZATION

The Senate proceeded to the organization of the Body.

NOMINATIONS FOR PRESIDENT

The President presented the gavel to Senator Burt.

SENATOR BURT PRESIDING

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

Senator Burt recognized Senator Lee who placed in nomination the name of Senator Jennings of the 9th Senatorial District.

Senator Lee: Thank you Mr. President. I would like to take a brief moment of personal privilege to introduce my family: my wife Amy, and my daughter Regan, who are seated in the gallery. They truly pay a price for my public service and I appreciate their support. My parents, Ann and Jim Lee. The greatest gift I was ever given in life was my name and it means something in my community because of the way they have lived their lives. You learn that when you run for public office. I really appreciate your being here today. Thank you.

Mr. President, Senators, it is with a great deal of pride, honor and conviction that I rise today to nominate for Senate President, Senator Toni Jennings.

This is a moment in Florida's history rich with promise and opportunity. It is a moment of hope, of optimism, and of a profound sense that we have both the will and the determination to preserve and protect the special gifts our state has given us.

Florida is a remarkably diverse state, and this body reflects the cultural, economic, and geographical diversity of this state. Our constitu-

ents do and should expect us to faithfully represent their interests. All Florida expects us to govern in a way that uses performance not partisanship, success not rhetoric, as our standard.

For us to meet that test, we must have a leader with the strength, confidence, and a sense of purpose to build bridges, bridges that will span the issues and interests that sometimes divide us. Over the past two years, as Senate President, Toni Jennings has consistently built these bridges. These bridges have allowed our state government to function as a true representative democracy for Florida's citizens.

Let me take a few moments to remind you of just why and how Toni Jennings has earned another term at the helm of this great body.

First and foremost, Senator Jennings is a consensus builder. Never were her consensus-building skills more evident than during the 1997 Special Session on Education Facilities. You will recall that as we approached that special session, many members of the legislature were in denial on the issue of school overcrowding, while still others were all too eager to raise taxes to pay for school construction. As a result, tensions were running quite high and, frankly, the pundits were predicting gridlock.

But, at a time when the eyes of the citizens were upon us, Senator Jennings took charge. She built a bridge between the House of Representatives and Governor Chiles which resulted in an additional \$2.7 billion to expand classroom space for Florida's children, a compromise that also contained critical fiscal accountability measures for local school districts, without raising taxes.

As a member of the conference committee, I worked hard during that special session. I can recall two evenings when I sat with Senator Horne in the President's Conference Room until well after midnight, and who do you think was present? Not a caucus of Republican Senators, but rather, two respected Senate Democrats, Senator Holzendorf and Senator Hargrett. We worked together in a bipartisan fashion, because we knew that was what our Senate President expected us to do. So, while bipartisanship and inclusiveness may make for popular political rhetoric, enter Senator Jennings, President Jennings. It is the way we have governed.

Now if consensus-building and inclusiveness are to be her legacy, and I believe they are, I also believe Senator Jennings deserves to be recognized as a person of extraordinary vision. In just two short years, coincidentally, as we enter the next millennium, this upper chamber will undergo a great transformation as many of our most experienced members leave this Senate under the mandate of term limits. Senator Jennings has proven that she is committed to preparing this Senate for this new era in state government.

She has already opened our process of lawmaking, making it more accessible to both the public and the media. She has slowed the pace of the legislative process so as to allow deliberation and thorough analysis before decisions are made. These changes have empowered this Senate's newest members and given them an opportunity to participate in important decisions. By doing so, President Jennings has made sure that the new members of this Senate are sufficiently involved in the process today, so that they will be better prepared to lead in the not too distant future.

On a personal note, I admire Senator Jennings most because she is a real person. With all of her political and professional success, she has never forgotten where she came from. In 22 years of public service, she never developed that air of superiority that seems to possess, and poison, so many public servants. She truly has the rare ability to walk with kings and keep the common touch. And it is because of this humility that I believe she personifies what our Founding Fathers intended public service to be: an opportunity to serve the people, not to be their master.

Despite her considerable charm and refreshing candor, make no mistake about it, she can be a consummately skilled politician. I'm sure you will agree with me that at one time or another, you have all been "Tonied." Now, being "Tonied" is a phrase I have coined for today for those times when you go to the President's office for a commitment or a favor, and she's not quite ready to make that commitment. She listens, gives you that pearly white-toothed smile, bats her beautiful blue eyes, says something quite comforting, and before you know it, you are standing out in the hall absolutely empty-handed. As they say "been there, done that."

Yes, Senator Jennings is indeed a unique individual. She represents all that is noble about public service. She is one of the reasons why I am so very honored to be a member of the Florida Senate. Finally, Senator Jennings, you have been a friend and I thank you.

Mr. President, Senators, it is for all these reasons, that I am deeply honored to nominate Senator Toni Jennings to take an unprecedented step in Florida's political history by serving a second consecutive term as President of this Florida Senate. Thank you.

Senator Burt recognized Senator Webster who seconded the nomination of Senator Jennings.

Senator Webster: Thank you Mr. President. It is a pleasure to have the opportunity to second the nomination of Senator Toni Jennings.

I guess for some background, I have to go back to 1980 to give you a little focus of where we are.

My wife, Sandy, who is seated in the gallery with our kids, went to a political coffee in the neighborhood. There were a few people that gathered there, and some elected officials came by. There was a House member there who got into a conversation with her. My wife said, "My husband was thinking about running for the House of Representatives." The next day, I called that House member. And, lo and behold, a couple of days later, I got a call from the Republican Party of Florida saying, "Hey, we hear you want to run for the House of Representatives. We might want you to run in a particular district." Great.

At that time, we ran county-wide. There were multi-member districts, which we gave up two years later. So, he suggested that I call former Senator Curt Kiser who was then the Minority Leader in the House of Representatives. I did that. He gave me some advice. The guy that called me from the party was Senator Latvala; the House member was Senator Jennings. She took me around to a couple of Republican meetings and introduced me, got me acquainted with the people that were the movers and shakers. I will say this had a great role in my running for the House of Representatives and in getting elected. For that, I am very appreciative. Certainly, that is one of the reasons I would want to second her nomination. But more than that, I got elected that year. She got elected to the Senate. I got elected to the House and for most of that time we worked together, but we labored in the minority. We were called affectionately by the *Orlando Sentinel* the "No, No Never Gang." We didn't like taxes and we didn't get anything done because we were in the minority. I think they have changed their tune. But for those times, it was pretty rough. However, we learned to work together.

I will tell you this. Over the past two years, it has been an awesome privilege to work with her as she was Senate President and I was Speaker of the House. She broke down the wall that historically was there between the House and Senate. There was a rivalry, whatever you want to call it. There was a one-upmanship that always existed between the House and Senate. She suggested, as she has in this body, a partnership. A partnership between the House and Senate; maybe because we had to fight a Governor. Governor-elect Bush, you have got a lady here that will break down the wall that also historically existed between the Governor's Office and the two legislative bodies. That wall came down and for two years, we were able to work together as partners. It was an awesome time.

She showed leadership, that positive can-do attitude, the idea of bringing everyone to the table, including the House, to work out whatever needed to be worked out. In the end, everybody said it could not be done.

Sixteen years, I sat on the back row in the House. I did not know that when this chamber door opened and the other chamber door opened, from the podium, if you got down just a little bit, you could see all the way down to the President and the President could see me. I did not know that because I was always on the back row. So lo and behold, on the last day of session, the doors opened for the House. There was a long corridor formed when people made a hallway. Those doors opened right back here and I could get down and there was Toni. So together, three times in a row at 5:59, when people said session will never end on time, especially that special session, Senator Lee, we did it. Three successive times, the gavel raised at the same time. We whacked it down. Session was over. I think the public may not have noticed much of what went on internally. But I know that the process was improved. Because of that, the product was improved.

This Senate put forth some great legislation because of the leadership of Toni Jennings. Because of the unique and positive leadership characteristics she possesses, I think it is fitting that she be allowed to serve two more years as Senate President. Mr. President, it is with great honor and privilege that I second that nomination of Senator Toni Jennings for Senate President. Thank you very much.

Senator Burt recognized Senator Latvala who further seconded the nomination of Senator Jennings.

Senator Latvala: It is my great honor and privilege to be part of this history-making occasion today. I would add a little bit to Senator Webster's story. The other reason he is grateful to Senator Jennings and me is that we talked him out of running in the district that he wanted to run in, that he might have lost in the primary, and into running in the district that he eventually won. We are just hopeful that you will take that same kind of advice now that you are down here with us.

This re-election today, I think, is made possible by a number of unique personal qualities that our President has. First, she has great knowledge and great experience in this process. I think all of us that have been here have benefitted by that. Those of us that are coming today will benefit by that over the next couple of years.

Secondly, she has the highest degree of integrity, super integrity.

Third, she has the desire to do what is right for the people of Florida; maybe not necessarily what is right for the lobbyists, maybe not necessarily what the editorial boards like or what the other branches of government like, but what she thinks is right for the people of Florida.

Fourth, she has the ability to build consensus; to bring the most warring factions together, to bring the most diverse Senators together to reach a consensus, to reach a solution to a problem. What I think is most important to me personally, is her ability to make each and every member of this Senate, Democrat or Republican, man or woman, freshman or senior member, feel needed, feel respected, feel included and feel special. Even on those days when you have been "Tonied" and you leave empty-handed, you still feel special. I think that is what helps bring out the best in each of us, because we have the best as our leader. Therefore, it is my great honor to second the nomination of Senator Toni Jennings of the 9th district to be re-elected as President of this Senate.

Senator Burt recognized Senator Dyer, Minority Leader, who spoke in favor of the nomination.

Senator Dyer: Thank you Mr. President. Madam President, I was reflecting that for five of the six years that I've been in the Senate you've been either the Rules Chairman or the President, and for the next two years you'll remain the President. During that time, I've really come to admire your leadership skills and your character. In dealing with the Democrats as the Rules Chairman and as the President, you've always been fair. As it has been mentioned, you've been a consensus builder, you have involved all 40 Senators. The Democrats do feel that they are a part of the process in this Senate.

One of the things that I hold most important is integrity. You have restored integrity to our process. As Senator Latvala has suggested, you hold the highest personal integrity. I think every Senator here, and those who have not served with you but will serve with you, know that when you tell us something, whether it is in private or public, your word is your bond. I think that is one of the most important things you can have; that is trust in the system. I certainly appreciate that. It's a great pleasure for me, Mr. President, to move that the nominations for President be closed.

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

ELECTION OF PRESIDENT

The roll was called on the election of the President and each Senator voted in the affirmative by saying "Toni Jennings."

The vote was:

Yeas—38

Bankhead	Brown-Waite	Campbell	Childers
Bronson	Burt	Carlton	Clary

Cowin	Hargrett	Laurent	Scott
Dawson-White	Holzendorf	Lee	Sebesta
Diaz-Balart	Horne	McKay	Silver
Dyer	Jones	Meek	Sullivan
Forman	Kirkpatrick	Mitchell	Thomas
Geller	Klein	Myers	Webster
Grant	Kurth	Rossin	
Gutman	Latvala	Saunders	

Nays—None

OATH OF OFFICE ADMINISTERED

On motion by Senator Clary that a committee be appointed to escort Senator Jennings to the bar of the Senate and to the rostrum, Senator Burt appointed Senators Campbell, Cowin, Hargrett, Kirkpatrick and Laurent. Senator Jennings was escorted to the bar of the Senate where the oath of office was administered to her by The Honorable Major B. Harding, Chief Justice, Florida Supreme Court, and then to the rostrum where she was seated.

Senator Burt presented the gavel to President Jennings.

PRESIDENT JENNINGS PRESIDING

President Jennings: This is a really exciting time for the Senate, for me personally, for Republicans, for our Democratic friends as they help us focus on where we're going to be in Florida. After we do some more of the ceremonial things, I will have a word to share with you. But, please, let me share with you right now what a humbling experience this is. You try to do things the right way and you try to include people, and you try to make sure that everybody has a say. And that, I think, is the most important thing that we do here because each and every one of us has been sent here by the people of Florida to do a job. Though we may disagree philosophically, and sometimes on issues, we will always agree that we are here to do a job. I think that's the one thing that the Senate has shown on a repeated basis, that we try to do all we can to do the right job for the people who sent us here. So you have my commitment for the next two years to do that same kind of work. I know I have yours. Thank you.

NOMINATIONS FOR PRESIDENT PRO TEMPORE

The President announced that nominations would now be received for President Pro Tempore for a term of two years and recognized Senator Bankhead who placed in nomination the name of Senator William G. "Doc" Myers of the 27th Senatorial District.

Senator Bankhead: Madam President, fellow members of the Florida Senate, and assembled guests. It's a great honor for me today to place the name of my friend, our friend, Senator William G. "Doc" Myers in nomination for the office of Senate President Pro Tempore.

On a day like today, some 20 years ago, Doc and I were among 43 freshmen members of the House of Representatives who stood for the first time, raised our right hands, and took the oath of office.

I can tell you that Doc learned more quickly than many of us. In only 4 short years he moved to the upper chamber. It took me 10 years. He has served in this Senate with remarkable distinction for the last 16 years. During that time, he has developed a sterling and well-deserved reputation as a man of knowledge, vision, and persistence. He is an effective leader, a skilled negotiator, and a man with the strength of character and will to meet adversity head on, and prevail.

It is clear to all who have served with Senator Myers that he is a compassionate person who cares deeply about this state, its people, and each of us.

Senator Myers' leadership has positioned Florida as a pace setter for the nation in the areas of public health and social policy.

He had the vision to write the state's first laws on HIV and AIDS. He has taken great pains to protect Florida's drinking water. He has spear-headed efforts to make health insurance through small businesses more affordable. He has worked hard to provide access to physicians and greater access to health insurance for children who otherwise would have gone without care. He has crafted solutions to the indigent health care dilemmas that we've faced.

Finally, in his crowning achievement, Doc finally won his relentless annual battle to create a separate Department of Health. No one in the Florida Senate embodies the notion of persistence more than Dr. Myers.

Senate President after Senate President has recognized Doc's tenacity and his ability to safeguard the right position—the Senate position in his area of specialty during conference committee negotiations. Now, as President Pro Tempore, Senator Myers will be in a position to serve as a guiding influence on other policy and fiscal matters as well.

Clearly, Doc Myers is deserving of this honor. Designating him President Pro Tempore will be a fitting tribute to this Senator who, after this term, will be leaving us a legacy of outstanding leadership.

Please join me in selecting my friend, our friend, Senator William G. "Doc" Myers as President Pro Tempore of the Florida Senate.

The President recognized Senator Childers who seconded the nomination of Senator Myers.

Senator Childers: Senators, we elected a strong, compassionate President and a friend. She needs someone to help her who is a friend. Now, we know that Doc can be ornery and obstinate and hard to deal with at times, but we all are. It reminds me of 1898 when Teddy Roosevelt left Pensacola, loaded up with everybody he could find. Thirty days later, they won the war in another country. They left Pensacola, took boats and loaded up what they thought they would need for the calvary. But then Teddy wanted his dog. And that's where it really got started. Everybody thinks it was with Truman. If you want a friend, bring your dog. It started right there in Pensacola.

Truman embellished on it. Every President since then has had his friend, his dog. We don't need a dog in the Florida Senate. The President doesn't need a dog because she's got a friend in Doc Myers, and we've got a friend. My friends, that's the best compliment you could pay anybody. That is, that person is a friend. He has been a friend to all of us. Those of you that don't know him, you'll find that Doc Myers is going to be a strong supporter of the President. Not only that, he's going to be every-one's friend. Congratulations, friend.

The President recognized Senator Bronson who further seconded the nomination of Senator Myers.

Senator Bronson: Thank you Madam President. Distinguished members of the Florida Senate, friends and family, and the people of the State of Florida, it is with great pleasure that I stand before you today to talk about a gentleman that I have had a lot of respect for over the years, even before I got into political office. A fellow who was brought up in Kittanning, Pennsylvania, played a little football at the University of Pittsburgh, and went to a little town in Florida, Hobe Sound—which most people if they haven't really taken the time to slow down to take a look at Hobe Sound—would never know where it was. At the time that Doc Myers made himself available as a physician in the State of Florida, the only doctor that the people of Hobe Sound were able to see came out of a neighboring town, and it was almost an hour away for that physician to get around to see the people in Hobe Sound. When they found out that Doc had some relatives in Hobe Sound, they said, "We have a young man that is a physician. Maybe he would like to set down roots here." The people of Hobe Sound very wisely chose Doc Myers as their physician. There are very few people in the State of Florida, very few physicians that I know of that can claim to be the first physician in a town in Florida. But Doc, even 37 years ago, was the first full-time, live-in physician for Hobe Sound.

I respect Doc Myers for a number of reasons. When I ran for office in 1985, one of the people that was recommended for me besides the Senate President, Toni Jennings, who was not President then, but just Senator Jennings, to go and talk to was Senator Doc Myers because he did have that contact with the rural community. He had that contact with the beach communities. He was well-rounded. He was working on a lot of issues even back in those days concerning the people of the State of Florida.

I went to see him. He was sitting in his office. He said something on the order of, "Nothing like taking on a lion right off the bat." That was a tough race for me, but he encouraged me by saying, "If you feel that strongly about what you're doing and what you want to do for the people of the State of Florida, you should hang in there and persist." I have found that is exactly what Doc Myers does on issues that he feels

strongly about for the people of the State of Florida; not only for his district, but for all the people of the State of Florida.

From the creation of the Department of Health to helping those 250,000 children whose families did not have health care previous to last year, and working very hard on those issues. Another thing that I agree with Doc on—I know a lot of you are probably going to find this strange, but I will admit I don't know everything about all the issues. I do try to go to people that I think have the background and knowledge. Doc has, also, a good knowledge on environmental issues, especially when it comes to armoring of the beaches, trying to preserve our beaches in the State of Florida. Doc was there to help me by helping protect the State of Florida against invasive species that are taking over our native species and totally obliterating our native plant and animal species in the State of Florida. Those are the things that we really should be trying to protect. When it came to environmental issues, Doc was there to help me on those issues and on the committee.

When I first got here, I went into his office and I said, "Do I call you Senator Doctor Myers or Doctor Senator Myers?" He said, "Call me anything you want to, just be nice." So, I would like to say that it's my honor and my pleasure to second the nomination of William "Doc" Myers from the 27th Senate District as President Pro Tempore of the Florida Senate.

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

ELECTION OF PRESIDENT PRO TEMPORE

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

The vote was:

Yeas—38

Madam President	Dawson-White	Jones	Rossin
Bankhead	Diaz-Balart	Kirkpatrick	Saunders
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Sebesta
Burt	Geller	Latvala	Silver
Campbell	Grant	Laurent	Sullivan
Carlton	Gutman	Lee	Thomas
Childers	Hargrett	McKay	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—None

OATH OF OFFICE ADMINISTERED

On motion by Senator Geller that a committee be appointed to escort Senator Myers to the bar of the Senate and to the rostrum, the President appointed Senators Burt, Forman, Grant, Klein and Kurth. Senator Myers was escorted to the bar of the Senate where the oath of office was administered to him by The Honorable Major B. Harding, Chief Justice, Florida Supreme Court, and then to the rostrum where he was received by the President and seated.

INTRODUCTIONS BY THE PRESIDENT PRO TEMPORE

The President Pro Tempore introduced his district staff who were seated in the gallery: Elaine Keller, Mary Luchetti, Victoria Stalls, Fabian Guevara and Dee Youngman.

REMARKS BY THE PRESIDENT PRO TEMPORE

The President presented the President Pro Tempore who addressed the Senate as follows:

Senator Myers: Madam President, fellow Senators, esteemed colleagues, and fellow Floridians, I must stop and thank everybody, particularly Senator Bankhead for the kind words of our experiences together; my friend, Senator Childers—and thank you for not comparing me to dogs, sir; and also to Senator Bronson. I don't know whether you noticed that he said I was well-rounded when he came to my office; I'm less well-rounded now. I thank you all for your kind remarks.

I am very humbled, leaning on this stool before you to accept the honor of serving as President Pro Tempore. My lovely wife, Carol, has asked me to extend her apologies for her inability to attend today's festivities. She said she has watched me for almost 30 years doing speeches in front of mirrors. She's at home nursing the flu. She assures me that she is with us, at least in spirit.

My children are all grown and scattered across the country from Cincinnati, Ohio, to Columbia, South Carolina, and up to Lake Mary in either Orange or Seminole County. Our son is a tennis pro at Lake Mary. They were also unable to attend. But never wantful of words or people, I would like to introduce my loyal staff in the gallery, some of whom have been with me so long I'm thinking of changing their surname to Myers. Would they stand, please?

As my Senate career slowly fades to just two more years, I'm so looking forward to working closely with President Jennings on issues that matter so much to the people of Florida; a strong economy, better education for our children, and superior health care that is both affordable and accessible.

The most precious items that I have found here, and Senator Childers hit it on the head, are the friends that I have made, whom all of you I honor today. Despite the sometimes contentious nature of the work we do here, we are first and foremost a collegial body of men and women who understand the responsibilities of the offices we hold. When the chips are down we put our personal differences aside. With the guidance of a great President, we pull together to achieve our purpose. As a physician, there is great satisfaction in making a very clear, difficult diagnosis and healing of a problem that makes the adrenaline flow.

So, as we enter the 1998-2000 term, let the epinephrine flow. Let's accomplish for all our state all that it deserves. We came a long way last year with health care, particularly with children's problems, from Healthy Kids to Kidcare and other expansions of Medicaid. We spent less on Medicaid, allowing more money for other areas of the budget. The influx of even more tobacco money, up to \$13.6 billion gives us an opportunity to budget, to allocate and to escrow those dollars. Contrary to last year's intent by the House to divert the funds to education, I feel adamant that this money may have to be allocated to health care under the court agreement, but we will talk about that.

I hope you will join me in looking forward to an exciting two years with a proven Senate President at the helm; an outstanding Governor and Lt. Governor, Jeb Bush and Frank Brogan; and the Speaker of the House of Representatives, John Thrasher. Those of us who will leave public office in the near future must then give thanks to the Lord for the chance to provide stewardship of the good ship Florida. My thanks to all of you for everything. Thank you very much.

President Jennings: Senator Myers—Doc—has honored me by agreeing to be our Pro Tempore of the Senate. He is a long, long time friend, you all know that. Much of what I have done I have been able to accomplish because Doc has been there to help me. It is a special honor to have Doc as my right hand guy.

COMMITTEE RECEIVED

A committee from the House of Representatives was received and informed the Senate that the House of Representatives was convened for the purpose of organization. The committee then withdrew from the chamber.

COMMITTEES APPOINTED

On motion by Senator Brown-Waite that a committee be appointed to notify the House of Representatives that the Senate was convened for the purpose of organization, the President appointed Senators Carlton, Dawson-White, Meek, Saunders and Webster. The committee was excused.

On motion by Senator Horne that a committee be appointed to notify the Governor that the Senate was convened for the purpose of organization, the President appointed Senators Dyer, Holzendorf, Latvala, Mitchell and Sebesta. The committee was excused.

COMMITTEES DISCHARGED

The committee appointed to notify the House of Representatives appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

The committee appointed to notify the Governor appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

INTRODUCTION OF PRESIDENT'S FAMILY AND GUESTS

The President introduced her family who were seated in the chamber: Margaret Jennings, her mother; Jeff and Allyson Jennings, brother and sister-in-law, and their children Ashlee, Michele and Colin; and John and Martha Jennings, brother and sister-in-law, and their children Jack, Caroline and Michael. The President also introduced the following special guests who were seated in the gallery: friends Pat Best, CeCe Barkley, Sally James and Lois Guarneschelli; and district staff members Robin Basile, Nancy Juarez and Elisa Newberry Rohr.

ADDRESS BY PRESIDENT TONI JENNINGS

As I look out here today, I see a glorious sight, not just because it is a Republican Senate. That's pretty glorious to me, but I also see a Senate full of nearly three centuries—and think about that—of experience. Great moments don't last forever and those three centuries of experience are not going to be with us forever. In two short years, many of us will move on due to term limits. Those replacing us will have all the enthusiasm that we have today, but they may not have the wealth of knowledge that we have collectively accumulated over that time.

The greatest legacy we as a Senate, and those of us especially who may be leaving, could leave behind is a proven record of how the people's business can and should be done!

Our level of performance will be the model for our successors to follow. Just as we set the bar for academic excellence and standards in our state, we can do the very same for the legislative process.

It will be a long time before any President has a Senate as knowledgeable as this one. As I look out, I see the creators of some of Florida's best moments, men and women who will be starting new chapters in two years but will leave behind a tremendous legacy. I want to take just a couple of minutes and talk about those people.

Senator Casas, I mentioned, is not with us today. But I think it is important to remember that Roberto Casas was the first and only Cuban-American in the United States to serve as a President Pro Tempore. What he has brought to this body should never be forgotten.

On the front row sits Senator Childers. Now Senator Childers says "I ain't leavin'!" And you know, we all know W.D., and he may not. But just in case, we should also remember that Senator Childers' picture hangs on that wall. He is a former President of this body. He has led this group. He is the Dean of the Senate. He makes up half of those three centuries just by himself in his long service. His wisdom, his candor, things he can tell us about the process that some of us will never know, are important and should be valued.

Back in the back, Senator Diaz-Balart helped us move toward performance-based budgeting when he was chairman of Ways and Means. PB squared is the right thing to do. It's hard sometimes and it's real hard to get that accountability of efficiency and effectiveness all in one spot, but we're going to continue to do that because Mario showed us the right way to go.

Sitting right here in the middle is Senator Grant, who was chairman of a committee during a very difficult time. Hurricane Andrew tore through our state, tearing up South Florida. Senator Grant worked to help stabilize the insurance market and continues to work to make homeowner's insurance available and affordable to all Floridians.

Senator Hargrett sitting back there, kind of our resident transportation expert, along the way has fought tirelessly to make sure that those who have not had the same advantages as some of us, those who have grown up and live today in poverty, have some benefits. We wouldn't have that without Jim Hargrett.

Senator Kirkpatrick. I dubbed him my "Silver Senator" and everyone thought it was because of his gray hair. Well, it wasn't. It was because he was Number 25 this summer when he joined the Republican ranks. Senator Kirkpatrick has made a difference in higher education. He has made a difference on the environment and no one will ever think of the Rodman Dam without thinking about George Kirkpatrick.

Senator Kurth will also be leaving us. During her years here she has fought tirelessly to improve the lives of children in our state.

Senator Myers, you've heard it already several times today, but without Senator Myers and his tenacious, dogmatic, stick-to-it, "I'm gonna have a Department of Health or else" attitude, we would not today have that Department of Health and our health issues would be continually mired down in other issues. They're not mired down because of Doc Myers. He has been instrumental in improving the life, and the quality of life, of Floridians for almost two decades.

My good friend, Senator Scott, was the first Republican Senator to lead a Republican majority. Seeing Senator Crenshaw over there, he would remind me that there was another one, but Senator Scott led our Republican majority here. A very difficult, telling time because we were on the cusp of transition. Without Jim Scott we would not have a law that says criminals are going to serve 85 percent of their sentence. Without Jim Scott, we would not have some of the innovative programs that we have begun in education, and we need to remember and thank him for that.

Senator Thomas was our 20-20 President. Those of us who were here thought about that for awhile, and Senator Crenshaw will remember it well, and we sat and we thought, "Now what do we do with an absolutely balanced 20-20 Senate?" Senator Thomas was the Democrats' designee and Senator Crenshaw was the Republicans' designee. After several days and lots of conversation and nine roll call votes, we said there must be a different way to do this. We said let us share this. One take one year and one take the other. Senator Thomas presided over a divided Senate. He presided without partisan battles and that is a tough thing to do.

So yes, Senators, there's a lot of history in this chamber. I promise I won't tell all of it because maybe we shouldn't know everything.

What I will say is we have a rare opportunity, a chamber packed with experience and expertise, and half of us aren't coming back. Like those who are given only a very short time to accomplish a job, these next two years should be precious to us.

We could look at government the way a chief executive, like Jack Welch, looks at a successful company, like General Electric.

The CEO of General Electric focuses on his company's long-term prospects not just the next budget cycle. He's a calculated risk-taker. He's not interested in poll numbers or party politics. He's interested in revenues and earnings. He's interested in measurable goals about how well he's meeting his customers' needs. The Florida Senate should be about that.

We should be about measurable goals, bottom-line figures that show what we're doing for our customers, the citizens of Florida.

What kind of goals? Let me suggest a few. I have 9 for '99. It just works so well—9 for '99. These are goals we start in 1999 and accomplish in the year 2000.

Goal number One: By the year 2000, Florida's average graduate should be a fierce competitor in the global market place, not always struggling to catch up. Today, almost half of Florida's students don't even meet the basic national standards in reading or math. But guess what? Our state has done something about this. This Legislature, in fact, has done something about it. We have created academic standards, the FCAT (test) which all students will have to take and pass. Now the test is ours. It's going to be tough. We've already had the first results. They were not what we had hoped for but they were probably about what we had expected. We can hold students to this new higher standard, or we can back down and lower our expectations, concerned it might cost us politically when students fail.

I know this Senate. I say this Senate holds firm. Florida's students can be above the national average. Our benchmark on this goal is how high we set our standards, and how many students can meet them.

After all, education is our signature product, just like light bulbs to GE. This is the chamber that, just one year ago, fought to build classrooms that our students needed. As we said then and we say now, we should also be the chamber that guarantees what goes on inside that classroom is a first-class education.

We need to start early. The most recent statistics show a fifth of our students entering kindergarten are not prepared to learn. They don't know basic skills, do they Senator Holzendorf? They don't know their colors. They don't know their shapes. They don't know how to concentrate. Some of them don't even know how to follow directions and sit still. That number, that one-fifth of our entering kindergarteners, represents 31,000 students at a disadvantage even before school starts.

Goal number Two: By the year 2000, we should cut that number in half. We can do it, if we pass a readiness package early this year.

Then, when our children graduate, we must make sure there are jobs. Do you think this sounds like a repetition? Goal number Three is making sure we have that healthy economy. Part of that healthy economy is to make sure that we invite people to come to Florida, invite them to operate their businesses. By doing that, we won't be that state that has an intangibles tax on your receivables. We will continue our commitment to make sure the repeal is fulfilled, the commitment that we started this year.

We can help business by thinking about education again, but this time, Senator Kirkpatrick, higher education. We aren't producing the kind of workforce that companies in Florida demand. In 1995, less than a quarter of Florida employers surveyed said they were satisfied with our vocational and associate of science graduates. While we are training about twice as many dislocated and underemployed workers as we did four years ago, we still can't place three quarters of those workers in good jobs.

Our universities, as well as our community colleges, should work with business to produce the kind of workforce we need. Some very simple changes might accomplish this and make a world of difference. How about letting college freshmen, as they enter, know the top 30 areas that demand workers. We could simply send out a list to the freshman and say, "These 30 jobs, professions, and occupations demand workers and will be there in four years." We could call it our "Golden 30." Then those freshmen, for four years, could work toward that goal, graduate and mine that gold mine. The right education for the right job, coming out of school prepared to do that job.

Enterprise Florida and its new leader, Joe Lacher, are already working on those ideas. Goal number Four: Let's help them. Let's help them be successful in preparing our workforce. Otherwise, we'll never recruit the best companies to Florida, no matter how many incentives we offer for economic development.

By the year 2000, we should also be thinking about our own workforce—our state employees. Today we have a fairly antiquated pension system that locks people into jobs that they don't necessarily want. They stay because they don't want to lose their pensions. If they don't want the jobs, then why do we want them to be doing those jobs? Like most big businesses, we have a wonderful group of employees and then we have some workers who probably just don't measure up. But unlike many successful enterprises, we don't ever differentiate between the two.

We want to be service-oriented, and isn't that what state government is all about? If we want to do more for our customers, we need to attract the best and the brightest. Right now, we offer a 401k-like pension package to lure senior managers. Probably most of you in your own businesses have that. Shouldn't we offer it to everyone? Shouldn't we make that the kind of system where people can come and go?

Career Service should no longer be a tool to preserve the status quo. It should be about rewarding achievement. It can begin. We can make changes in our pay and benefits package. We can even bring them into the 20th Century before we hit the 21st Century.

Some of the problems we face today are not new, like kids who get mixed up with drugs—high before high school—addicted before adolescence. Isn't that why we launched the War on Drugs years ago? Some of the generals of that war are right here in this room. We have toughened penalties for those who deal drugs near schools, day care centers,

churches, even around public housing. We made drug dealers liable for the damage that they cause. Yet, on some fronts, we're still losing the battle. Marijuana use has doubled in the last four years among youth admitted to Juvenile Justice facilities. Last year, there were more cocaine-related deaths than murder, the highest number since we started collecting that data a decade ago.

We need a coordinated approach that integrates enforcement with treatment and prevention, one that can begin with our statewide Drug Summit in February. The bottom line we need to measure is this: How many kids are getting addicted to—and being destroyed by—drugs? Then we take that number and we reduce it every year until it is zero.

Not all of our goals have to be quite so daunting or tough. How about just picking a couple that might be simply interesting and important to our customers, the people of Florida. Like shortening the wait on some things that government provides. The Department of Motor Vehicles did it. They tell us that the wait to get a driver's license is now, statewide, only nine minutes. If they can do it, other people can do it. You know you've heard me talk about permitting and regulatory reform. We have tried one-stop permitting so many times that the stops continue to be multiple.

Let's try one more time. Let's talk about Goal number Seven: a yes-or-no answer on a permit somewhere within 45 days—being able to find out what permits are needed in a single phone call—maybe even a single spot to get those permits. Other states do it. We heard about it at the Economic Summit. It is a huge attraction for business to Florida. If other states can do it, Florida can do it, too.

That's what we need to do on the inside. But let's not forget what we do outdoors. I know what attracts the tourists and the retirees to Florida. That's our beauty and our natural surroundings. That's what keeps all of us here.

Goal number Eight: By the year 2000, we should be into another 10 years of the state's most successful environmental program—one created by a Republican Governor, I'll remind you. Preservation 2010, we should call it. It should be about land acquisition. It must also be about managing effectively the land we already have. That will be an important aspect to it.

Finally, if we really want to make a difference long after we're gone, we have to listen to our customers one more time. Some of the news is very troubling. This past election, less than half of the registered voters participated. This was the worst general election turnout in 35 years.

Democracy is losing its market share. That's sad. Many of us fondly remember those first campaigns. Senators Sebesta and Mitchell, we will tell you a little about how it used to be: The late nights stuffing envelopes. The long hours talking strategy with family and friends because that's about all you could conjure into helping you when you ran for office the first time. The going door-to-door. My brothers still talk about that. Those once-meaningful moments are now often done by mail houses and consultants and TV buys. The people, though, have actually told us something and they told us something in this election cycle. They said they want some more personal involvement. They want more activity. All we have to do is look at the passage of the Constitutional amendment dealing with elections and campaigns and the margin by which it passed. Some of us were surprised that it passed.

What used to be confined largely to the community is now driven by six-figure contributions.

I know this because I have helped raise that money. I worked very hard to raise that money. I've seen it spent. Those are the rules. For Republicans to win, we played by those rules. But the rules aren't always right. There are times when we should change them.

The good news is we can change the rules. We can end an era when campaigns are fueled by unlimited contributions—the so-called soft money going through our political parties. We can limit what others have not had the courage to limit.

Now, the bad news is we'll be criticized. We'll be sabotaged. We'll be attacked by some of the biggest interests in this state, perhaps even our own parties. My party, the majority party has the most to lose.

In fact, there are those of you who will say that this is impossible. There is no way we can do that. Well, I would like to remind you that

they said the same thing about welfare reform. We sat right here, Democrats and Republicans in this chamber, and we talked and we cussed and discussed how we would do it. When we went to work together, guess what followed, a bill historic by nature. I will remind you of this only because two years ago people said it would never work. A 55 percent decline in welfare caseloads since 1996, the most dramatic decline of any large state and more than \$100 million of general revenue saved.

It was not impossible. It was just improbable.

They said we would never stop stuffing dozens of issues into long pieces of legislation called trains, too, didn't they? And we did it.

They said we'd never end our sessions on time after years of passing major legislation bleary-eyed late at night—or usually early in the morning. And we did that, too. Not once, but twice.

Now they'll probably say that we can't fight all the big money. We can't limit soft money, even though we know it might be the right thing to do.

Well, I'm betting we can. I'm betting on the decades of experience and leadership that are sitting right here. I'm betting we can act like a board of directors and we can return democracy's market share back to the people of Florida.

I'm suggesting a way: We can start with a \$5,000 annual cap on those contributions. Now you may have a better idea. That's what this process is all about. We're going to talk about it. What is important is that we bring back our customers, the voters of Florida.

What is important is that elections become more about community than about contributions because there are some things money can't buy. Like public trust.

Thank you all. We have an aggressive agenda and lots to do in the next two years.

DESIGNATION OF SECRETARY

The President recognized Senator Thomas who moved the designation of Faye Blanton as Secretary of the Senate.

Senator Thomas: We're blessed in the Senate to have a President who's got a lot of savvy and knowledge of history. She reached out two years ago and asked Faye Blanton to be the Secretary of the Senate, a wise decision. Faye came here as early as some members of the Senate. It's unbelievable, nature treats us differently, though.

She's doing an outstanding job at the professional level. She has functioned and brought great pride to our State. And speaking from personal experience, she has tried in vain to impart computer knowledge on some of us. She keeps telling me, "Use your computer."

She also served as the Secretary of the 1997-1998 Constitution Revision Commission when President Jennings and Senator Scott sat on the Commission. She did an outstanding job.

Madam President, I want to nominate Faye Wester Blanton to serve as the Secretary of the Florida Senate for the 1998-2000 year term. Having offered that nomination, I'd like to introduce her family—her husband, Ed Blanton; her daughter, Laurel McDaniel; her son and daughter-in-law, Doug and Julie McDaniel; and her sons, Wade McDaniel, and Garrett and Travis Blanton. I welcome all of you and I place Faye's name in nomination as Secretary of the Senate.

The President recognized Senator Scott who seconded the nomination of Faye Blanton as Secretary.

Senator Scott: Madam President, we all know the great job that Faye has done, having been here and participated somewhat in her taking this position. But I want to tell you, in addition to being renominated and elected, she deserves a medal for having been the Secretary of the Constitution Revision Commission with Dexter Douglass as Chairman, with all due respect to Dexter. I am telling you she worked all last year at both jobs and was here all hours of the night and did a tremendous job at both of them. I will assure you the Senate was the easier of the two and I just think she deserves special recognition for that. I would second and move that the nominations be closed.

Senator Thomas: Madam President, I forgot to mention that she has greatly embellished the pulchritude of that office.

President Jennings: By your unanimous vote, Secretary Faye Blanton will retain her position as Secretary and be with us.

I know you will join me in saying that Faye is the greatest Secretary that any state can have. She has modernized the office; she has brought us into the computer era. We now have access to a lot of things we didn't have before. Everything we do is online. She is now developing, both with the Republican and Democratic offices communications staff, an online program for children so that they will know what the Florida Senate is all about, and she'll be giving more information about that program shortly. So, Faye, we are pleased to have you continue doing a wonderful job for us.

OATH OF OFFICE ADMINISTERED

The motion by Senator Thomas to designate Faye Blanton as Secretary of the Senate was adopted by unanimous consent. The President appointed a committee composed of Senators Diaz-Balart, Gutman, Jones, Rossin, Silver and Sullivan to escort the Secretary to the bar of the Senate where the oath of office was administered to her by The Honorable Major B. Harding, Chief Justice, Florida Supreme Court.

MOTION

On motion by Senator Rossin, the remarks offered during the Organization Session were ordered published in the Journal.

ADOPTION OF RULES

On motion by Senator Dyer, the Rules, with amendments indicated, as printed and distributed to each Senator were adopted to govern the Senate for the ensuing two years.

On motion by Senator Dyer, the Secretary was instructed to make technical changes in the Rules as necessary.

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 authority and 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 may delegate signing authority for the authorization of payments.* 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. The President shall have responsibility for the property of the Senate and may delegate specific duties or authority pertaining thereto. The President may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the Senate, a committee of the Senate, a Member of the Senate (whether in the legal capacity of Senator or taxpayer), a former Member of the Senate, or an officer or employee of the Senate when such suit is determined by the President to be of significant interest to the Senate and when it is determined by the President that the interests of the Senate would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the President.

1.5—Appointment of committees

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

Any member removed from a committee without his or her 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 is absent and fails to name a Senator, the President Pro Tempore shall assume the duties of the chair.

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

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

1.8—Designation of the Secretary of the Senate

The Senate shall designate a Secretary to serve at its pleasure. 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.

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, *and* 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.

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 shall be entitled to an amicable transition period not to exceed one month 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. A former Senator shall 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 one-month 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, 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.

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.

1.351—Food and beverage prohibited

~~(a) A Senator, Senate officer, or Senate employee may not knowingly accept, directly or indirectly, food or beverage from a lobbyist.~~

~~(b) This rule does not prohibit a Senator, Senate officer, or Senate employee from accepting food or beverage:~~

- ~~(1) from a relative as defined in Joint Rule 1.4 (2);~~
- ~~(2) at a political, campaign, or fundraising activity or event, reportable pursuant to state or federal law;~~
- ~~(3) in connection with his or her outside business or employment activities, as exempted by section 112.312(12)(b)1., Florida Statutes;~~
- ~~(4) consumed incidental to a reception or gathering of constituents, not to exceed a value of \$25.00;~~
- ~~(5) consumed at a special event; or~~

~~(6) consumed at an honorarium event.~~

~~(c) As used in this rule the term:~~

~~(1) "lobbyist" means a person defined in Joint Rule 1.1(2)(d).~~

~~(2) "food or beverage" has the meaning ascribed in Joint Rule 1.4(3)(e).~~

~~(3) "special event" has the meaning ascribed in Joint Rule 1.4(3)(f).~~

~~(4) "honorarium" has the meaning ascribed in section 112.3149(1)(a), Florida Statutes.~~

1.36—Improper influence

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

1.361—Solicitation of campaign contributions

A Senator shall neither solicit nor accept any campaign contribution during the sixty-day regular legislative session on the Senator's own behalf or on behalf of a political party or on behalf of a candidate for the Senate; however, a Senator may contribute to the Senator's own campaign.

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 *Budget Ways and Means* with the chairmen of the standing subcommittees of the Committee on *Budget Ways and Means*; 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.

1.443—Reapportionment information

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information promulgated or maintained by the former Committee on Reapportionment.

1.444—Legislative records; maintenance, control, destruction, disposal, and disposition

Public records, not exempted from public disclosure, may be inspected by any person desiring to do so at reasonable times, under reasonable conditions, and under supervision of the person who has custody of the records, or that person's designee.

The following standing committee, standing subcommittee and select committee public records, not exempted from disclosure, shall be retained by each staff director until biennially transferred to the Division of Library and Information Services of the Department of State via *its* the Legislative Library Division of the Joint Legislative Management Committee: copies of bills, amendments, vote sheets, staff analyses, and fiscal notes; meeting files including agendas and appearance cards; files relating to assigned projects; final staff reports submitted to subcommittees or committees; final reports submitted by subcommittees or committees; correspondence sent or received; and audio recordings of committee meetings. At the time of transfer, the actual correspondence to be sent to the Department of State shall consist only of correspondence which relates to other committee public records required by this rule to be transferred. Records not transferred may be otherwise disposed of or destroyed.

Except for records specifically required by law or Senate Rule to be filed or retained, district office records and constituents records may be retained by the district office until those records become obsolete, at which point they may be otherwise disposed of or destroyed.

Public records, not exempted from public disclosure, created or received by the President, President Pro Tempore, or Secretary of the Senate shall be retained by that officer as specifically required by law or Senate rule until transferred to the Division of Library and Information Services of the Department of State via *its* the Legislative Library Division of the Joint Legislative Management Committee. Records not transferred may be otherwise disposed of or destroyed.

The Secretary shall, with the approval of the President, establish a reasonable fee for copies of public legislative records not exempted from public disclosure. Such fees shall be based upon the actual cost of duplication of the record and shall include the material and supplies used to duplicate the record but not the labor cost or overhead cost associated with such duplication. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by employees of the Senate, a special service charge in addition to the actual cost of duplication may be imposed. Such a special service charge shall be reasonable and based on the cost incurred for the extensive use of information technology resources or the labor cost of employees providing the service that is actually incurred by the Senate or attributable to the Senate for the clerical and supervisory assistance required. However, when obtained from the Office of the Secretary, a standing committee, standing subcommittee or select committee, there shall be no charge

for a single copy of a bill other than a general appropriations bill, or for a single copy of any other public record required by law or Senate rule to be created.

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

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

The following public records are exempt from inspection and copying:

Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, Florida Statutes, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), Florida Statutes, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.

A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.

A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

A draft of a bill analysis or fiscal note until the bill analysis or fiscal note is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.

Records prepared for or used in executive sessions of the Senate until 10 years after the date on which the executive session was held.

Portions of records of former legislative investigating committees whose records are sealed or confidential as of June 30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained in the committee's records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.

Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.

Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

Any Senate record created prior to July 1, 1993, which was so designated by the President on June 30, 1993, shall remain exempt from inspection and copying after July 1, 1993. Records held by joint committees, commissions or offices of the legislature, that were jointly determined by the presiding officers of both houses to remain exempt from inspection and copying after July 1, 1993, remain exempt.

For purposes of this section, "public record" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the legislative branch.

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 and Consumer Services

Banking and Insurance

Budget Ways and Means

Budget Subcommittee on Education ~~Subcommittee B (Education)~~

Budget Subcommittee on General Government ~~Subcommittee A (General Government)~~

Budget Subcommittee on Health and Human Services ~~Subcommittee C (Human Services)~~

Budget Subcommittee on Public Safety and Judiciary ~~Subcommittee D (Criminal Justice)~~

Budget Subcommittee on Transportation and Economic Development ~~Subcommittee E (Finance and Tax)~~

Children and Families, Families and Seniors

Commerce and Economic Opportunities

Comprehensive Planning, Local and Military Affairs ~~Community Affairs~~

Criminal Justice

Education

Executive Business, Ethics and Elections

Fiscal Policy

Fiscal Resource

Governmental Reform and Oversight and Productivity

Gubernatorial Appointments and Confirmations

Health, Aging and Long-Term Care

Judiciary

Natural Resources

Regulated Industries

Rules and Calendar

Transportation

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

2.2—Powers and responsibilities of committees

Permanent standing committees and standing subcommittees are authorized: (a) to maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area; (b) to invite public

officials, employees and private individuals to appear before the committees or subcommittees to submit information; (c) to request reports from departments performing functions reasonably related to the committees' jurisdictions; and (d) to complete the interim projects assigned by the President.

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 *two legislative days* ~~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 at least four (4) 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 seven (7) 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 and the public.

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, no committee shall meet before 7:00 a.m. nor meet or continue to meet after 9:00 p.m. 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 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 ~~Budget Ways and Means~~ 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 administrative assistant 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 administrative assistant, and made reasonably available by the committee administrative assistant 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 administrative assistant 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 subcommittee 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 Committee on ~~Budget Ways and Means~~ 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 *Budget Ways and Means* 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. Meetings between a majority of the members of a conference committee may be held following a notice being filed with the Secretary of the Senate by or at the direction of the person calling the meeting, at least ~~two (2)~~ ~~four (4)~~ hours in advance of the meeting, and after the fiftieth (50) day of a regular session and during a special session, not less than one (1) hour in advance of the meeting. The notice shall indicate the names of the conferees and scheduled participants, the date, the time, and the location of the meeting.

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 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 *Budget Ways and Means*.

All meetings for which notice is required pursuant to this Rule shall be held in the Capitol, the Senate Office Building, *the Knott 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 administrative assistant 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 administrative assistant 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—Deleting everything after enacting clause

A proposal to delete everything 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, Florida Statutes) 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 create or amend existing provisions of the Florida Statutes, Chapter Laws of Florida, or of the Florida Constitution, new words shall be inserted underlined, and words to be deleted shall be lined through with hyphens, except that the text of the General Appropriations Act shall not be underlined.

When the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it shall not be necessary to use the coded indicators of words added or deleted but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the text of the provision being amended: "Substantial rewording of section. See s. [number], F.S., for present text." When such notation is used, the notation as well as the substantially reworded text shall be underlined.

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.

Section catchlines of existing text shall not be typed with underlining.

3.2—Bills for introduction

A bill may not be introduced until properly filed with the Secretary 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 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 filed for introduction with the Secretary of the Senate no later than 12:00 noon of the first day of the regular session.

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 ~~Budget Ways and Means~~ 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 ~~Budget Ways and Means~~ 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 canceling 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 ~~Budget Ways and Means~~.

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 estimated economic impact, which calculates the present and future fiscal implications of the bill or joint resolution, must be considered. The fiscal note shall not express opinion relative to the merits of the measure, but may identify technical or mechanical defects.

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. The Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 9:00 p.m.

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. Consideration of bills on third reading
9. Special Order as determined by the Committee on Rules and Calendar
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 12:00 noon on the first day of the regular session (except for the general appropriations bill, local bills, and joint resolutions) shall be referenced, but shall be withheld from the committee or committees of reference until after adjournment sine die of such session.

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

4.7—Reference to more than one committee; effect

In case of multiple reference of a bill, it shall be considered by each committee separately in the order in which the multiple reference is made. However, if any committee to which the bill is referred makes an unfavorable report on said bill, that report shall be filed with the Senate and no further consideration given by other committees except on two-thirds (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 Fiscal Policy. ~~and~~ All bills authorizing or substantially affecting tax revenue shall be referred to the Committee on Fiscal Resource Ways and Means. All bills substantially affecting a state-funded or state-administered retirement system shall be referred to the Committee on Governmental Reform and Oversight and Productivity. All bills which are affected by the provisions of Article VII, Section 18, Florida Constitution shall be referred to the Committee on Comprehensive Planning, Local and Military Affairs ~~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 Article VII, Section 18, Florida Constitution shall, before being placed before the Senate for final passage, be referred along with all amendments to the Committee on Fiscal Policy, or the Committee on Fiscal

~~Resource Ways and Means, or the Committee on Governmental Reform and Oversight and Productivity, or the Committee on Comprehensive Planning, Local and Military Affairs 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 *that are of a statewide non-political significance*, 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, except that resolutions of condolence or commemoration *that are of a statewide non-political significance*, may be shown as introduced, read and adopted by publication in full in the Journal. ~~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 Rules Chairman 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.

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, except that resolutions of condolence or commemoration *that are of a statewide non-political significance* may be shown as introduced, read and adopted by publication in full in the Journal.

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 ~~Budget Ways and Means~~) 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 Majority Leader, 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. 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 enrolling report shall be published in the Journal.

4.21—Veto messages

As required by Article III, Section 3, of the Constitution, if the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact

the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session. All veto messages shall be referred to the Committee on Rules and Calendar.

4.81—Claim bills

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

b. All claim bills shall be filed with the Secretary of the Senate on or before August 1 in order to be considered by the Senate during the next regular session. A motion to introduce a claim bill notwithstanding the claim bill filing deadline, shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. A House claim bill which does not have a Senate companion claim bill timely filed under this rule shall not be considered by the Senate. Any motion to consider a House claim bill which does not have a timely filed Senate companion bill shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. The determination by the Committee on Rules and Calendar shall be reported back to the Senate. Upon a determination by the committee that an emergency does exist, the motion may be considered by the Senate and must be adopted by at least two-thirds (2/3) vote of those present.

c. All claim bills shall be referred by the President to one or more committee(s) for review. If the President determines that a de novo hearing is necessary to determine liability, proximate cause, and damages, a Special Master shall conduct such hearing pursuant to reasonable notice. Discovery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law and recommendations no later than December 1. 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.

d. On receipt of the Special Master's report and recommendations, if any, the Secretary shall, under the President's initial reference, deliver each claim bill with the report attached, to the committee or committees of reference.

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 to a bill on the Special Order Calendar 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 no later than 5:00 p.m. the day prior to the day 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. *The following bills 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.*

1. Bills which have received an unfavorable committee report.;

2. Bills which have been withdrawn from further consideration by the sponsor. ~~and bills~~

3. Bills the substance of which have not been reported favorably by all 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—Deleting everything after enacting clause

A proposal to delete everything 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 de-

clares. 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 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. Also entitled to admission are the Governor or one (1) representative designated by the Governor, the Lieutenant Governor, Cabinet officers, former governors, present and former United States Senators, 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 *Gubernatorial Appointments and Confirmations* ~~Executive Business, Ethics and Elections~~, 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 *Gubernatorial Appointments and Confirmations* ~~Executive Business, Ethics and Elections~~, 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".

COMMITTEES OF THE SENATE

(November 17, 1998)

Agriculture and Consumer Services

Senator Thomas, Chairman; Senator Dyer, Vice Chairman; Senators Childers, Grant, McKay and Meek

Banking and Insurance

Senator Scott, Chairman; Senator Holzendorf, Vice Chairman; Senators Bankhead, Brown-Waite, Campbell, Casas, Childers, Geller, Gutman, Rossin, Sebesta and Thomas

Budget

Senator Burt, Chairman; Senators Bronson, Campbell, Childers, Clary, Dawson-White, Diaz-Balart, Dyer, Hargrett, Holzendorf, Jones, Kirkpatrick, Kurth, Laurent, Latvala, Meek, Mitchell, Myers, Saunders, Scott, Silver, Sullivan and Webster

Subcommittee on Education: Senator Sullivan, Chairman; Senators Clary, Diaz-Balart, Dyer and Holzendorf

Subcommittee on General Government: Senator Childers, Chairman; Senators Jones, Kirkpatrick and Latvala

Subcommittee on Health and Human Services: Senator Silver, Chairman; Senators Kurth, Mitchell, Myers and Saunders

Subcommittee on Public Safety and Judiciary: Senator Laurent, Chairman; Senators Bronson, Campbell and Meek

Subcommittee on Transportation and Economic Development: Senator Hargrett, Chairman; Senators Dawson-White, Scott and Webster

Children and Families

Senator Diaz-Balart, Chairman; Senator Jones, Vice Chairman; Senators Clary, Cowin, Forman, McKay and Mitchell

Commerce and Economic Opportunities

Senator Kirkpatrick, Chairman; Senator Klein, Vice Chairman; Senators Dawson-White, Grant, Gutman, Holzendorf, McKay, Scott and Thomas

Comprehensive Planning, Local and Military Affairs

Senator Carlton, Chairman; Senator Kurth, Vice Chairman; Senators Clary, Forman, Geller, Lee, Mitchell and Myers

Criminal Justice

Senator Brown-Waite, Chairman; Senator Campbell, Vice Chairman; Senators Bankhead, Bronson, Burt, Horne, Meek and Silver

Education

Senator Cowin, Chairman; Senator Horne, Vice Chairman; Senators Burt, Dyer, Jones, Kirkpatrick, Klein, Kurth, Myers, Sullivan and Webster

Ethics and Elections

Senator Saunders, Chairman; Senator Rossin, Vice Chairman; Senators Carlton, Hargrett, Kirkpatrick, Meek and Sebesta

Fiscal Policy

Senator Bankhead, Chairman; Senator Casas, Vice Chairman; Senators Brown-Waite, Cowin, Klein, Lee, Rossin and Thomas

Fiscal Resource

Senator Horne, Chairman; Senator Gutman, Vice Chairman; Senators Carlton, Forman, Geller, Grant, McKay and Sebesta

Governmental Oversight and Productivity

Senator Webster, Chairman; Senator Silver, Vice Chairman; Senators Brown-Waite, Cowin, Diaz-Balart, Horne and Rossin

Gubernatorial Appointments and Confirmations

Senator Myers, Chairman; Senators Bankhead, Casas, Dyer, Hargrett and McKay

Health, Aging and Long-Term Care

Senator Clary, Chairman; Senator Bronson, Vice Chairman; Senators Bankhead, Dawson-White, Forman, Klein, Latvala, Myers and Saunders

Judiciary

Senator Grant, Chairman; Senator Laurent, Vice Chairman; Senators Burt, Campbell, Gutman, Scott, Silver and Webster

Natural Resources

Senator Bronson, Chairman; Senator Forman, Vice Chairman; Senators Carlton, Diaz-Balart, Hargrett, Latvala, Laurent and Saunders

Regulated Industries

Senator Lee, Chairman; Senator Latvala, Vice Chairman; Senators Casas, Childers, Dawson-White, Dyer, Geller, Holzendorf and Sullivan

Rules and Calendar

Senator McKay, Chairman; Senator Myers, Vice Chairman; Senators Bankhead, Brown-Waite, Burt, Casas, Cowin, Dyer, Holzendorf, Jones, Klein, Latvala, Rossin, Scott, Sullivan and Thomas

Transportation

Senator Casas, Chairman; Senator Sebesta, Vice Chairman; Senators Hargrett, Jones, Kurth, Laurent, Lee, Mitchell and Sullivan

SELECT COMMITTEE**Select Committee on Apportionment and Redistricting**

Senator Latvala, Chairman; Senators Clary, Dawson-White, Geller, Horne, Laurent, Lee, Meek, Mitchell and Scott

STEERING COMMITTEE**Steering Committee on Fiscal Issues**

President Pro Tempore, Senator Myers, Chairman; Chairman of the Committee on Fiscal Policy, Senator Bankhead; Chairman of the Committee on Fiscal Resource, Senator Horne; Chairman of the Committee on Budget, Senator Burt; Chairman of the Budget Subcommittee on General Government, Senator Childers; Chairman of the Budget Subcommittee on Transportation and Economic Development, Senator Hargrett; Chairman of the Budget Subcommittee on Education, Senator Sullivan; Chairman of the Budget Subcommittee on Health and Human Services, Senator Silver; Chairman of the Budget Subcommittee on Public Safety and Judiciary, Senator Laurent; Vice Chairman of the Committee on Fiscal Policy, Senator Casas; Vice Chairman of the Committee on Fiscal Resource, Senator Gutman; Majority Leader, Senator Latvala; and Minority Leader, Senator Dyer

JOINT COMMITTEES**Joint Administrative Procedures**

Senator Campbell, Alternating Chairman; Senators Brown-Waite and Carlton

Joint Committee on Everglades Oversight

Senator Forman, Alternating Chairman; Senators Bronson and Saunders

Joint Legislative Auditing

Senator Rossin, Alternating Chairman; Senators Cowin, Grant, Gutman and Silver

Legislative Committee on Intergovernmental Relations

Senator Klein, Alternating Chairman; Senators Diaz-Balart, Holzendorf and Kirkpatrick

ADJOURNMENT

On motion by Senator McKay, the Senate in Organization Session adjourned sine die at 1:19 p.m.