



# Journal of the Senate

Number 2—Regular Session

Thursday, March 10, 2005

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## CALL TO ORDER

The Senate was called to order by President Lee at 9:00 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

## PRAYER

The following prayer was offered by the Rev. Jim Bullock, Fort King Presbyterian Church, Ocala:

Almighty God, source of all wisdom, power and love: We thank you that you care for all of us as your children, as a loving parent, mom or dad, cares for all their children. You have brought us together in these chambers of government and you have given us the capacity to stand up for justice and to live out your love in our time.

Help us to be responsible leaders in a world fraught with dangers. Deliver us from petty motivations, shallow enticements, blindness to evil when our own advantage is at stake. Give us the courage to make costly decisions, as if the safety of men, women and children of the state of Florida and the whole world were in our hands. Help us to work together for justice, compassion and peace.

We are grateful, O God, for all the good things of life that you have given us... family, friends, food, clothing, shelter, work to do, and strength to do it. We are a gifted people. Help us count our blessings every day, but let us remember also that to whom much has been given, much is required. Keep us from closing our eyes to human need and failing to provide the necessities of life for all persons. We pray for all children, for the poor, for the aged, for all who are vulnerable in life here with us in Florida.

Give us a vision of a better world and the willingness to make sacrifices to make it possible. May we all be drawn into your vision for all of life.

This we pray in the name of the one we all call our Lord. Amen.

## PLEDGE

Senate Pages Brandon Davis of Nocatee; Ashley Vangates of Miami; Caitlyn Thompson of Longwood; and Maria Fernandez-Merlo of Orlando, led the Senate in the pledge of allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Dr. George Ehringer of Ormond Beach, sponsored by Senator Lynn, as doctor of the day. Dr. Ehringer specializes in Internal Medicine.

## ADOPTION OF RESOLUTIONS

On motion by Senator Hill—

By Senator Hill—

**SR 250**—A resolution recognizing and commending Omega Psi Phi Fraternity, Inc., for its invaluable community service to the people of the State of Florida.

WHEREAS, on November 17, 1911, three Howard University undergraduate students, assisted by their faculty advisor, met and conceived the idea of founding Omega Psi Phi Fraternity, Inc., based on the cardinal principles of “manhood, scholarship, perseverance, and uplift,” and

WHEREAS, Omega Psi Phi Fraternity, Inc., was the first fraternity founded at a Historically Black College or University, and, since its inception, has initiated more than 130,000 members in 550 chapters in 44 states, the District of Columbia, Europe, Asia, Africa, the Bahamas, the Virgin Islands, and Panama, and

WHEREAS, Omega Psi Phi Fraternity, Inc., is committed to rendering community service that makes a difference in quality of life, and has made invaluable contributions toward improving the educational, civic, and social lives of the people it has touched in Florida and throughout the world, and

WHEREAS, Brother George H. Grace of Miami, Florida, presently leads Omega Psi Phi Fraternity, Inc., serving as the Fraternity’s 37th Grand Basileus; Brother Edgar L. Mathis, Sr., of Jacksonville, Florida, is the National Representative for District 7, which includes Florida, Georgia, Alabama, and Mississippi; and Brother Leslie Gamble of Miami, Florida, is the National Representative for the State of Florida, and

WHEREAS, other distinguished Floridians who are Brothers of Omega Psi Phi Fraternity, Inc., include United States Congressman Kendrick Meek, State Senator Anthony C. “Tony” Hill, Sr., State Senator Gary Siplin, State Representative Wilbert “Tee” Holloway, State Representative Frank Peterman, Jr., and Tallahassee Mayor John Marks, NOW, THEREFORE,

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

That the Florida Senate commends Omega Psi Phi Fraternity, Inc., for its invaluable community service to the people of Florida and recognizes March 11, 2005, as Omega Psi Phi Fraternity, Inc., Day in the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to George H. Grace, Grand Basileus of Omega Psi Phi Fraternity, Inc., as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Hill, **SR 250** was read the second time in full and adopted.

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On motion by Senator Peaden—

By Senator Peaden—

**SR 1570**—A resolution recognizing March 2005 as National Nutrition Month in Florida.

WHEREAS, the Florida Senate recognizes that there is an epidemic of obesity in the State of Florida, and

WHEREAS, the Secretary of Health is conducting a series of obesity summit meetings throughout the state, and

WHEREAS, Florida's Department of Health has stated that the economic impact of overweight and obesity in our state is manifested in the toll of certain diseases, reaching billions of dollars expended in the treatment of cardiovascular disease, cancer, and diabetes, and

WHEREAS, diet-related diseases decrease the quality of life for millions of Americans and account for 7 out of every 10 deaths in the United States each year, and

WHEREAS, the Surgeon General of the United States has issued a "call to action" to prevent and decrease overweight and obesity affecting two-thirds of adults and 15 percent of children and adolescents, and

WHEREAS, the Federal Trade Commission has stated that consumers waste billions of dollars each year on unproven, fraudulently marketed, and potentially harmful products and treatments for obesity, and

WHEREAS, the food we eat plays a vital role in our overall health and fitness, and

WHEREAS, the United States Department of Health and Human Services Healthy People 2010 Initiative cites nutrition and weight as a specific focus for improving America's health, listing 18 objectives for promoting health and reducing chronic diseases associated with diet and weight, and

WHEREAS, only 20 percent of Florida adults eat five servings of fruits and vegetables per day, and

WHEREAS, there is a great need for continuing nutrition education and for a wide-scale effort to enhance healthy eating practices, NOW, THEREFORE,

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

That March 2005 is recognized as National Nutrition Month in Florida.

BE IT FURTHER RESOLVED that the Florida Senate urges increased education and awareness of the state's residents concerning prevention and treatment of obesity-related diseases as a major health concern and encourages all Floridians to become informed about nutrition in the hope of achieving optimum health for today and all the days ahead.

—was introduced out of order and read by title. On motion by Senator Peaden, **SR 1570** was read the second time in full and adopted.

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At the request of Senator King—

By Senator King—

**SR 624**—A resolution recognizing March 15, 2005, as "St. Johns County Day" in Tallahassee.

WHEREAS, on September 8, 1565, Don Pedro Menendez de Aviles founded St. Augustine, the oldest continuously occupied European settlement in the United States, and

WHEREAS, St. Johns County is the site for Fort Mose, established by Spaniards and former African slaves in 1738, the first free black fort and settlement in North America, and

WHEREAS, on July 21, 1821, St. Johns County, named for the St. Johns River, became one of Florida's first two counties by ordinance proclaimed by Major General Andrew Jackson, and

WHEREAS, St. Johns County encompasses 609 square miles, from the many miles of beautiful beaches to the scenic Bartram Trail Highway that runs along the St. Johns River, and

WHEREAS, St. Johns County is a popular tourist destination, hosting more than 2 million visitors each year to the historic City of St. Augustine, to St. Augustine Beach, and to other communities throughout the county, and

WHEREAS, St. Johns County is one of the nation's most recognized golf destinations and is home to the World Golf Hall of Fame and to THE PLAYERS CHAMPIONSHIP, which is an internationally recognized golf event, and is also the national headquarters for the PGA Tour, and

WHEREAS, St. Johns County is also home to the Association of Tennis Players Tour, headquartered in Ponte Vedra Beach, and

WHEREAS, agriculture is a critical component of the economy of St. Johns County, with its 149 farms on 49,631 agricultural acres comprising more than 12.7 percent of all the lands in the county and producing more than \$46 million in revenue annually, and

WHEREAS, the Legislature recognizes St. Johns County for its rich history and cultural diversity, NOW, THEREFORE,

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

That March 15, 2005, be recognized as "St. Johns County Day" in Tallahassee.

—**SR 624** was introduced, read and adopted by publication.

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At the request of Senator Wilson—

By Senators Wilson, Dawson and Miller—

**SR 1018**—A resolution recognizing Alpha Kappa Alpha Sorority, Inc.

WHEREAS, Alpha Kappa Alpha Sorority, Inc., was founded at Howard University in Washington, D.C., in 1908, and

WHEREAS, this Greek letter organization is the first sorority established by African-American college women, and

WHEREAS, this sorority is an international organization with approximately 250,000 members in over 900 chapters extending across the United States, the Bahamas, Bermuda, Great Britain, Germany, Korea, and the Virgin Islands, and

WHEREAS, many of these chapters are located in communities and on college and university campuses in the State of Florida, and

WHEREAS, Alpha Kappa Alpha Sorority, Inc., is committed to community service and has made numerous contributions to the educational, civic, and social lives of Florida's residents, and

WHEREAS, Linda White of Chicago, Illinois, is the National President of this great sisterhood and leads the 250,000 women of this organization in the current international program, "The SPIRIT of AKA," the acronym and concept for Sisterhood, Service, Partnership, Innovation, Respect, Involvement, and Technology, and

WHEREAS, Irene Westbrook McCollom is the South Atlantic Regional Director of this great sisterhood and leads members of the sorority in Florida, Georgia, and South Carolina, and

WHEREAS, the largest chapter in Florida is Gamma Zeta Omega, located in Miami, and

WHEREAS, Senator Frederica S. Wilson, a past South Atlantic Regional Director, and Senator Mandy Dawson are members of Alpha Kappa Alpha Sorority, and

WHEREAS, members of the Alpha Kappa Alpha Sorority in the State of Florida contribute thousands of volunteer hours implementing service programs in their respective communities, NOW, THEREFORE,

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

That the members of the Florida Senate recognize the commitment of members of Alpha Kappa Alpha Sorority, Inc., to community service and express special appreciation for their service in the State of Florida.

—SR 1018 was introduced, read and adopted by publication.

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At the request of Senator Wilson—

By Senator Wilson—

**SR 1504**—A resolution recognizing March 15, 2005, as Chronic Kidney Disease Awareness Day.

WHEREAS, more than 20 million Americans, about one in nine adults, have a form of chronic kidney disease and, of these, more than eight million have significantly reduced kidney function that, if left untreated, may progress to a more severe stage of chronic kidney disease, and

WHEREAS, chronic kidney disease and the untreated progression of that disease to stage 5 chronic kidney disease, known as end-stage renal disease, impacts more than 300,000 Americans, including approximately 18,000 Floridians, and

WHEREAS, individuals over the age of 50 and those who have a family history of kidney disease or have been diagnosed with diabetes or hypertension, which account for 60 percent of the newly diagnosed, are more likely to develop chronic kidney disease, and

WHEREAS, among the populations disproportionately impacted are African Americans, who make up 15 percent of the general population of Florida and account for 39.6 percent of Floridians with end-stage renal disease, and Hispanics, who account for 16.8 percent of Floridians with end-stage renal disease, and

WHEREAS, an individual may exhibit no symptoms of chronic kidney disease until 75 percent or more of kidney function is lost but this devastating disease can be prevented through early screening and proper education, and

WHEREAS, 95 percent of all stage 5 chronic kidney disease patients are Medicare beneficiaries, representing a significant cost to the state, and, according to the United States Renal Data Service, Florida is one of five states having the highest percentage of these patients, and

WHEREAS, simple, cost-effective means are available to identify and diagnose chronic kidney disease and associated life-threatening complications, and

WHEREAS, evidence-based clinical guidelines have been developed by scientists and renal experts and published in peer-reviewed journals, and

WHEREAS, routine testing can determine levels of kidney function and provide information for clinicians about therapeutic interventions that may preserve kidney function, sustain life, and delay progression to stage 5 chronic kidney disease or renal transplantation, or both, NOW, THEREFORE,

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

That March 15, 2005, is recognized as “Chronic Kidney Disease Awareness Day” in Florida, and all Floridians are urged to investigate the risks associated with chronic kidney disease, and to seek screenings and information about diabetes, hypertension, and chronic kidney disease, in order to benefit from early detection and treatment.

—SR 1504 was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

**SR 1666**—A resolution honoring Rotary International on the occasion of its 100th anniversary and recognizing February 23, 2005, as Rotary Day in Florida.

WHEREAS, the Rotary Club of Chicago was founded on February 23, 1905, when Chicago attorney Paul Harris and three business associates formed a club to share “mutual cooperation and informal friendship such as all of us had once known in our villages,” and

WHEREAS, by 1921, Rotary Clubs had been formed on six continents, prompting the adoption of the name Rotary International in 1922, and

WHEREAS, as Rotary International grew, its focus changed from serving the business and professional needs of its members to serving communities in need, a sentiment expressed in its motto: “Service Above Self,” and

WHEREAS, the Rotary Foundation, established in 1928, has garnered contributions in excess of \$80 million annually to support a range of humanitarian grants and educational programs, and

WHEREAS, in 1985, Rotary International made a commitment to immunize all of the world’s children against polio, and by the centennial of Rotary in 2005, more than \$500 million will have been committed to the eradication of polio, and

WHEREAS, Rotary International, approaching its 100th anniversary, consists of 1.2 million members in some 31,000 Rotary clubs in 166 countries, all committed to addressing such problems as environmental degradation, illiteracy, world hunger, and children at risk, NOW, THEREFORE,

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

That the Florida Senate honors the ongoing contributions of Rotary International to communities throughout the state, nation, and world, and recognizes February 23, 2005, as Rotary Day in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution with the Seal of the Senate affixed, be presented to Glenn E. Estess, Sr., president of Rotary International, as a token of the sentiments of the Florida Senate.

—SR 1666 was introduced, read and adopted by publication.

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At the request of Senator Klein—

By Senator Klein—

**SR 2410**—A resolution recognizing the 40th Anniversary of Florida Atlantic University.

WHEREAS, Florida Atlantic University is celebrating its 40th anniversary this year, and

WHEREAS, over the course of four decades Florida Atlantic University has made contributions of the highest value to its service region in Southeast Florida and to the entire State of Florida, and

WHEREAS, Florida Atlantic University, a nationally known model of the distributed campus structure, is currently serving 26,000 undergraduate and graduate students on seven campuses located along 150 miles of Florida’s southeast coastline, and

WHEREAS, Florida Atlantic University is developing rapidly as a center of 21st-century biomedical research and is playing an ever-expanding role in the worldwide effort to find better diagnostic and treatment options for a host of serious illnesses, and

WHEREAS, Florida Atlantic University has become a true engine of economic development in Southeast Florida, generating more than \$1 billion annually in regional economic activity, NOW, THEREFORE,

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

That the Senate offers sincere congratulations to Florida Atlantic University during this 40th Anniversary Year and commends the university for achieving excellence in teaching, research, and public service.

—**SR 2410** was introduced, read and adopted by publication.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Pruitt, by two-thirds vote **CS for SB 1486** was withdrawn from the Committees on Judiciary; General Government Appropriations; Ways and Means; and Rules and Calendar; **SB 938** was withdrawn from the Committees on Health and Human Services Appropriations; and Rules and Calendar; **SB 940** was withdrawn from the Committees on Banking and Insurance; Health and Human Services Appropriations; and Rules and Calendar; **SB 804** was withdrawn from the Committees on Governmental Oversight and Productivity; Justice Appropriations; Ways and Means; and Rules and Calendar; **SB 1174** was withdrawn from the Committees on Judiciary; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar; and referred to the Committees on Judiciary; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

On motion by Senator King, by two-thirds vote **SB 1064** was withdrawn from the committees of reference and further consideration.

**SPECIAL ORDER CALENDAR**

**REVISER BILLS**

**SB 1334**—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2005 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2005 shall be effective immediately upon publication; providing that general laws enacted during the 2004 regular session and prior thereto and not included in the Florida Statutes 2005 are repealed; providing that general laws enacted during the 2005 regular session are not repealed by this adoption act.

—was read the second time by title. On motions by Senator Pruitt, by two-thirds vote **SB 1334** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peadar
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	

Nays—None

Vote after roll call:

Yea—Smith

**CS for SB 1336**—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 28.246, 28.35, 28.36, 29.21, 34.191, 39.701, 63.087, 63.102, 70.20, 101.161, 112.08, 112.63, 120.536, 211.06, 215.20, 215.555, 216.023, 220.1895, 280.16, 287.042, 287.17, 288.1224, 288.12265, 288.905, 290.00689, 290.015, 311.125, 322.135, 327.395, 339.55, 339.64, 364.604, 373.145, 373.1963, 373.4592, 376.71, 376.80, 378.034, 378.035, 381.0046, 381.0065, 381.103, 381.734, 393.0655, 393.068, 394.499, 394.82, 394.9083, 395.4001, 395.404, 397.416, 397.97, 400.1755, 400.179, 403.4154, 409.2563, 409.907, 409.9071, 409.908, 409.91188, 409.912, 420.504, 430.205, 440.05, 440.491, 440.591,

443.191, 445.003, 445.009, 455.2177, 455.32, 475.615, 489.146, 497.103, 497.140, 497.150, 497.152, 497.153, 497.160, 497.166, 497.167, 497.260, 497.369, 497.453, 497.458, 497.466, 497.550, 497.551, 497.603, 497.604, 497.608, 550.0251, 553.791, 553.8413, 556.112, 558.002, 558.004, 560.408, 570.71, 581.131, 620.9901, 624.426, 626.641, 627.6699, 627.736, 628.909, 633.0215, 636.240, 641.51, 648.50, 650.05, 655.948, 658.60, 663.02, 663.318, 668.602, 717.1400, 720.303, 720.402, 720.405, 744.3678, 744.7021, 782.081, 784.046, 895.02, 921.0022, 932.706, 943.125, 944.026, 944.1905, 944.803, 948.09, 948.30, 957.07, 958.045, 985.404, 1009.765, and 1012.796, F.S.; reenacting ss. 110.161, 288.063, 381.0072, 430.04, 446.051, 450.081, 489.531, 626.112, 718.112, and 721.075, F.S.; and repealing ss. 30.17, 202.205, 288.971, 295.184, 373.1995, 394.498, 570.235, and 627.6685, F.S.; pursuant to s. 11.242, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was read the second time by title. On motions by Senator Pruitt, by two-thirds vote **CS for SB 1336** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**SB 1338**—A reviser’s bill to be entitled An act relating to the Florida Statutes; repealing ss. 20.19(5)(b)2., 20.3315(3), 27.005, 27.006, 27.271, 27.33, 27.3455, 27.36, 27.385, 27.605, 29.002, 29.003, 29.009, 29.011, 43.28, 50.071, 57.091, 166.411(11), 196.1994, 202.27(7), 213.131(2), 216.181(17), 216.292(5)(f), 218.325, 220.191(1)(h)2., 252.373(1)(b) and (c), 259.105(21), 288.9511, 288.9515, 288.9517, 339.08(4), 339.082(3), 372.127(3), 372.561(9), 376.875(6), 381.79(7), 456.0375, 601.15(3)(f), 723.06115(3), 914.06, 925.035, 925.036, 925.037, 932.7055(5)(d), 939.05, 939.07, 939.10, 939.15, 985.4075(2), 1004.225, and 1010.87(3), F.S., all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2005 Florida Statutes only through a reviser’s bill duly enacted by the Legislature; amending s. 378.035, F.S., to delete obsolete material and repeal a provision that has become inoperative by noncurrent expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2005 Florida Statutes only through a reviser’s bill duly enacted by the Legislature; repealing s. 383.410, F.S., to confirm the October 2, 2004, repeal of an exemption in accordance with the Open Government Sunset Review Act of 1995; amending s. 202.35(3), F.S., to conform to the repeal of s. 202.27(7), F.S.; and amending s. 627.732(1)(a), F.S., to conform to the repeal of s. 456.0375, F.S.

—was read the second time by title. On motions by Senator Pruitt, by two-thirds vote **SB 1338** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker

Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith
Crist	Lawson	Villalobos
Dawson	Lynn	Webster
Diaz de la Portilla	Margolis	Wilson
Dockery	Miller	Wise
Fasano	Peaden	
Garcia	Posey	
Nays—None		

Villalobos	Wilson	Wise
Webster		
Nays—None		

**SB 1340**—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 369.324, 381.92, 458.3475, and 459.023, F.S., to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

—was read the second time by title. On motions by Senator Pruitt, by two-thirds vote **SB 1340** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	
Nays—None		

**SB 1378**—A bill to be entitled An act relating to trust funds; re-creating the Florida Panther Research and Management Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1378** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	
Nays—None		

**TRUST FUND BILLS**

**SB 1376**—A bill to be entitled An act relating to trust funds; re-creating the Dedicated License Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1376** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith

**SB 1380**—A bill to be entitled An act relating to trust funds; re-creating the Florida Forever Program Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1380** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	
Nays—None		

**SB 1382**—A bill to be entitled An act relating to trust funds; re-creating the Land Acquisition Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1382** was read the third time by title, passed by the

required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**SB 1384**—A bill to be entitled An act relating to trust funds; re-creating the Lifetime Fish and Wildlife Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1384** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**SB 1386**—A bill to be entitled An act relating to trust funds; re-creating the Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1386** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Carlton	Geller
Alexander	Clary	Haridopolos
Argenziano	Constantine	Hill
Aronberg	Crist	Jones
Atwater	Dawson	King
Baker	Diaz de la Portilla	Klein
Bennett	Dockery	Lawson
Bullard	Fasano	Lynn
Campbell	Garcia	Margolis

Miller	Saunders	Villalobos
Peaden	Sebesta	Webster
Posey	Siplin	Wilson
Pruitt	Smith	Wise
Rich		

Nays—None

**SB 1388**—A bill to be entitled An act relating to trust funds; re-creating the Nongame Wildlife Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1388** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**SB 1390**—A bill to be entitled An act relating to trust funds; re-creating the Save the Manatee Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1390** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**SB 1392**—A bill to be entitled An act relating to trust funds; re-creating the State Game Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1392** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**SB 1394**—A bill to be entitled An act relating to trust funds; re-creating the Conservation and Recreation Lands Program Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1394** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**CS for SB 1396**—A bill to be entitled An act relating to trust funds; terminating the Florida Preservation 2000 Trust Fund and the Federal Law Enforcement Trust Fund within the Fish and Wildlife Conservation Commission; providing for the disposition of balances in and revenues of the trust funds; prescribing procedures for the termination of the trust funds; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **CS for SB 1396** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bullard	Diaz de la Portilla
Alexander	Campbell	Dockery
Argenziano	Carlton	Fasano
Aronberg	Clary	Garcia
Atwater	Constantine	Geller
Baker	Crist	Haridopolos
Bennett	Dawson	Hill

Jones	Peaden	Smith
King	Posey	Villalobos
Klein	Pruitt	Webster
Lawson	Rich	Wilson
Lynn	Saunders	Wise
Margolis	Sebesta	
Miller	Siplin	

Nays—None

**SB 1398**—A bill to be entitled An act relating to trust funds; creating s. 372.101, F.S.; creating the Administrative Trust Fund within the Fish and Wildlife Conservation Commission; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1398** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**SB 1400**—A bill to be entitled An act relating to trust funds; creating s. 372.102, F.S.; creating the Federal Grants Trust Fund within the Fish and Wildlife Conservation Commission; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1400** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**SB 1402**—A bill to be entitled An act relating to trust funds; creating s. 372.103, F.S.; creating the Grants and Donations Trust Fund within the Fish and Wildlife Conservation Commission; providing for sources

of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1402** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**SB 1404**—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Administrative Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Saunders, by two-thirds vote **SB 1404** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**CS for SB 1406**—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Federal Grants Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Saunders, by two-thirds vote **CS for SB 1406** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker

Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith
Crist	Lawson	Villalobos
Dawson	Lynn	Webster
Diaz de la Portilla	Margolis	Wilson
Dockery	Miller	Wise
Fasano	Peadar	
Garcia	Posey	

Nays—None

**CS for SB 1408**—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Operations and Maintenance Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Saunders, by two-thirds vote **CS for SB 1408** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**CS for SB 1410**—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Social Services Block Grant Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Saunders, by two-thirds vote **CS for SB 1410** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peadar
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith

Villalobos                      Wilson                      Wise  
 Webster  
 Nays—None

**CS for SB 1412**—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Tobacco Settlement Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Saunders, by two-thirds vote **CS for SB 1412** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**GENERAL BILLS**

On motion by Senator Clary—

**CS for SB 478**—A bill to be entitled An act relating to podiatric medicine; amending s. 461.014, F.S.; requiring a hospital having a podiatric residency program to annually provide the Board of Podiatric Medicine with certain information; revising the time period during which a podiatric physician may continue as an unlicensed resident in a residency program; permitting a resident podiatric physician to prescribe certain medications under certain circumstances; providing that a podiatric resident who is registered under the act is subject to specified disciplinary procedures; providing a penalty; requiring the board to adopt rules to administer this act; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

**Amendment 1 (392796)**—On page 3, line 1, delete “*this section*” and insert: *paragraph (1)(f)*

Pursuant to Rule 4.19, **CS for SB 478** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

**CS for SB 200**—A bill to be entitled An act relating to the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act; amending s. 252.81, F.S., redesignating the act as the “Emergency Planning Community Right-to-Know Act”; amending s. 252.85, F.S.; updating a reference to a federal list of hazardous substances for which the Department of Community Affairs collects fees that fund emergency planning and community right-to-know programs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 200** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hill—

**CS for SB 246**—A bill to be entitled An act relating to child safety; requiring school boards to promulgate policies regarding release of children; providing a definition; requiring copies of the policies to be provided to the Department of Education; requiring nonpublic schools, private schools, and certain child care facilities to promulgate policies regarding release of children; requiring making such policies available on the premises of the schools or child care facilities; providing a definition; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 246** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander—

**SB 516**—A bill to be entitled An act relating to the Department of Citrus; amending s. 601.09, F.S.; revising and reorganizing the citrus districts of the state; establishing four such districts; specifying the counties within each district; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendment which was moved by Senator Alexander and adopted:

**Amendment 1 (600448)(with title amendment)**—On page 1, between lines 28 and 29, insert:

Section 2. Paragraph (c) of subsection (1) and subsection (4) of section 601.04, Florida Statutes, are amended to read:

601.04 Florida Citrus Commission; creation and membership.—

(1)

(c) There shall be ~~three~~ ~~four~~ members of the commission from each of the ~~four~~ ~~three~~ citrus districts. Each member must reside in the district from which she or he was appointed. For the purposes of this section, the residence of a member shall be the actual physical and permanent residence of the member.

(4) It is the intent of the Legislature that the commission be redistricted every 5 years. Redistricting shall be based on the total boxes produced from each of the ~~four~~ ~~three~~ districts during that 5-year period.

Section 3. Paragraph (a) of subsection (4) of section 601.154, Florida Statutes, is amended to read:

601.154 Citrus Stabilization Act of Florida.—

(4)(a) Every marketing order issued pursuant to the provisions of this section shall provide for an advisory council to advise the Department of Citrus in the administration thereof. Two members of such advisory council shall be appointed by the commission chair, subject to commission concurrence, from each of the ~~four~~ ~~three~~ citrus districts as defined in s. 601.09 from producer nominees submitted by producers on or before the date of the hearing provided for in subsection (2). To qualify for appointment, such producer nominees shall meet the same qualifications as those for grower members of the commission set forth in s. 601.04(1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending ss. 601.04 and 601.154, F.S., relating to the membership of the Florida Citrus Commission and the Citrus Stabilization Act of Florida; conforming provisions to changes made by the act;

Pursuant to Rule 4.19, **SB 516** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

**SB 292**—A bill to be entitled An act relating to citrus canker eradication; repealing s. 4 of ch. 2002-11, Laws of Florida; abrogating the repeal of s. 581.184(1)(b), F.S., which defines the term “exposed to infection” for purposes for eradicating citrus canker disease; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 292** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

**SB 166**—A bill to be entitled An act relating to child support; amending s. 409.2558, F.S.; requiring the Department of Revenue to establish by rule a method that uses reasonable efforts to locate persons to whom collections or refunds are owed, including disclosing information on the Internet; providing an effective date.

—was read the second time by title.

The Committee on Children and Families recommended the following amendment which was moved by Senator Aronberg and adopted:

**Amendment 1 (423164)(with title amendment)**—On page 1, lines 16-23, delete those lines and insert:

(a) The department shall establish by rule the method for determining a collection or refund to a ~~noncustodial parent~~ to be undistributable to the final intended recipient. *Before determining a collection or refund to be undistributable, the department shall make reasonable efforts to locate persons to whom collections or refunds are owed so that payment can be made. Location efforts may include disclosure through a searchable database of the names of obligees, obligors, and depository account numbers on the Internet with appropriate safeguards to protect the privacy of the persons named in the database.*

And the title is amended as follows:

On page 1, lines 4-7, delete those lines and insert: Revenue, prior to determining a collection or refund to be undistributable to make reasonable efforts to locate persons to whom collections or refunds are owed, including disclosure on the Internet of information with appropriate safeguards to protect the privacy of the persons named in the database;

Pursuant to Rule 4.19, **SB 166** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

**SB 106**—A bill to be entitled An act relating to the state retirement system; amending s. 121.091, F.S.; providing that a disability of an employee who works in another state full time may be certified by physicians licensed in that state; amending s. 121.22, F.S.; increasing the size of the State Retirement Commission from three to five members; amending s. 121.24, F.S.; revising the quorum requirements of the commission; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Constantine and adopted:

**Amendment 1 (291828)(with title amendment)**—On page 4, before line 1, insert:

Section 4. Paragraph (a) of subsection (2) of section 121.35, Florida Statutes, is amended to read:

121.35 Optional retirement program for the State University System.—

(2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

(a) Participation in the optional retirement program provided by this section shall be limited to persons who are otherwise eligible for membership in the Florida Retirement System; ~~who are employed or appointed for no less than one academic year;~~ and who are employed in one of the following State University System positions:

1. Positions classified as instructional and research faculty which are exempt from the career service under the provisions of s. 110.205(2)(d).

2. Positions classified as administrative and professional which are exempt from the career service under the provisions of s. 110.205(2)(d).

3. The Chancellor and the university presidents.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 121.35, F.S.; deleting the provision that requires 1 academic year of employment or appointment in the State University System for participation in the optional retirement program;

Senator Constantine moved the following amendment which was adopted:

**Amendment 2 (620136)(with title amendment)**—On page 1, line 15 through page 3, line 2, delete those lines and insert:

Section 1. Paragraph (c) of subsection (4) and paragraph (b) of subsection (13) of section 121.091, Florida Statutes, are amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(4) DISABILITY RETIREMENT BENEFIT.—

(c) Proof of disability.—The administrator, before approving payment of any disability retirement benefit, shall require proof that the member is totally and permanently disabled as provided herein:

1. Such proof shall include the certification of the member's total and permanent disability by two licensed physicians of the state and such other evidence of disability as the administrator may require, including reports from vocational rehabilitation, evaluation, or testing specialists who have evaluated the applicant for employment. *A member whose position with an employer requires that the member work full time outside this state in the United States may include certification by two licensed physicians of the state where the member works.*

2. It must be documented that:

a. The member's medical condition occurred or became symptomatic during the time the member was employed in an employee/employer relationship with his or her employer;

b. The member was totally and permanently disabled at the time he or she terminated covered employment; and

c. The member has not been employed with any other employer after such termination.

3. If the application is for in-line-of-duty disability, in addition to the requirements of subparagraph 2., it must be documented by competent medical evidence that the disability was caused by a job-related illness or accident which occurred while the member was in an employee/employer relationship with his or her employer.

4. The unavailability of an employment position that the member is physically and mentally capable of performing will not be considered as proof of total and permanent disability.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP. Participation in the DROP by an eligible member beyond the initial 60-month period as authorized in this subsection shall be on an annual contractual basis for all participants.

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 calendar months, 96 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 calendar months, 96 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

2. Upon deciding to participate in the DROP, the member shall submit, on forms required by the division:

- a. A written election to participate in the DROP;
- b. Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (a) and subparagraph 1. Such termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of his or her employer;
- c. A properly completed DROP application for service retirement as provided in this section; and
- d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers shall be eligible to participate in the DROP subject to the following:

- a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate in the DROP until the

next succeeding term in that office. Such elected officer who exercises this option may participate in the DROP for up to 60 calendar months or a period of no longer than such succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly, except, however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP shall be null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and ~~121.122~~ ~~121.22~~, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: correcting a cross-reference;

Pursuant to Rule 4.19, **SB 106** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**MOTIONS**

On motion by Senator Carlton, provisions of Rule 2.39 were waived for the purpose of considering the proposed appropriations bills and conforming bills by the respective appropriations committees at the meetings scheduled for Wednesday, March 23; the amendment deadline for the appropriations bills and conforming bills was set for 6:00 p.m. on Monday, March 21; and the amendment deadline for amendments to amendments and substitute amendments was set for 3:00 p.m. on Tuesday, March 22.

**AMENDMENT TO SENATE RULES**

On motions by Senator Pruitt, the rules were waived and the following amendment to Rule 2.1(1) was adopted by two-thirds vote:

On page 24, in Rule 2.1(1), delete "(h) Criminal Justice Appropriations" and insert, before "(t)":

- (s) Justice Appropriations

(Reletter existing paragraphs (i) through (s))

[Full text of Senate Rules, as amended, and the Joint Rules beginning on page 149.]

**ADOPTION OF RESOLUTIONS**

On motion by Senator King—

By Senator King—

**SR 2658**—A resolution expressing regret at the death of Senator William G. "Bill" Bankhead.

WHEREAS, the Florida Senate, with deep regret, was informed of the untimely death of former Senator Bill Bankhead, and

WHEREAS, Senator Bankhead served with distinction in the Florida Senate from 1988 until 1999, when he was appointed by Governor Jeb Bush to head the Department of Juvenile Justice, and

WHEREAS, it is most appropriate that the Florida Senate commemorate the passing of one of its former members who served his district and the State of Florida so admirably, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to the late Senator William G. "Bill" Bankhead and that the Florida Senate, in session assembled, does record this testimonial of esteem and bereavement:

IN MEMORIAM  
WILLIAM G. "BILL" BANKHEAD

Bill Bankhead was born in Americus, Georgia, in 1941, moved with his family to Florida as a child, graduated from Englewood High School in Jacksonville, and earned a Business Administration Degree from the University of Florida in 1963. Following graduation, Bill Bankhead went to work for Stockton, Whatley, Davin & Co., and in 1969 joined the real estate division of what is now CSX Transportation. His involvement in civic organizations, such as the Jaycees, laid the foundation for his political career, and Bill Bankhead was recently honored at the Duval County Republican Party's annual Lincoln Day dinner as only the second recipient of the Don Brewer Excellence Award, which he received for helping to build the local Republican Party. In 1978 Bill Bankhead was first elected to the Florida House of Representatives, replacing Ander Crenshaw as the lone Republican from Jacksonville in the Duval County Legislative Delegation. After serving five successful and productive terms in the House of Representatives, Bill Bankhead was elected to the Florida Senate in 1988, where he quickly gained a reputation for diligence and attention to detail, leading one Senator to quip, "If there was a piece of legislation you didn't understand, you would say 'Let's ask Bankhead, he actually reads all the bills.'" Through dedicated hard work, Senator Bankhead became a leading expert on health and social issues and during his years in the Senate was one of the chief architects in creating the Department of Juvenile Justice. Senator Bankhead's knowledge of the Juvenile Justice system led Governor Bush to appoint him to lead that agency in 1999. Secretary Bankhead spent the remaining years of his life as agency head and brought about numerous accolades for efforts resulting in increased efficiency and lower crime rates while at the same time improving the lives of young people in this state. Senator Bill Bankhead is survived by his wife Diana, his children William G., III and Brooke, and his mother Enid Bankhead.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Senate affixed, be transmitted to Mrs. Diana O'Quinn Bankhead, widow of Senator Bill Bankhead, as a tangible token of the sentiments expressed in this resolution and as a lasting symbol of the respect of the members of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator King, **SR 2658** was read the second time in full and adopted.

On motion by Senator King, the following remarks were ordered spread upon the Journal:

**Senator King:** Thank you, Mr. President, and members. I said a lot on the opening day of session. I know there are many members here whose lives have been very touched by Senator Bankhead, and who wish to speak, and I am going to give them the benefit of all the time. Suffice it to say that I have the seat Senator Bankhead had.

He was my mentor when I was elected in 1986. I do not know how he put up with me because we are, by personality, so different. His input and his knowledge, and his care for this state and for this process were infused in me as they are in other people whose lives he touched. I see Jane McElroy, his able-bodied and long-time aide, in the gallery above us. I think that her loyalty to him is a testament to what Bill Bankhead was all about.

If you knew Bill, you loved Bill. If Bill said he was going to do something, he would do it. He came very close to becoming President of this body. In fact, some people argue the fact that perhaps he should have, and had the chance to do so. But he gave up on the opportunity to become President when he was appointed the Secretary of the Department of Juvenile Justice, an area that he helped create.

He was gifted. He will be missed, especially by those in the Duval delegation whom he tutored, whom he nurtured, and whom he befriended. Thank you, Mr. President.

**Senator Clary:** Thank you, Mr. President. I have a few brief thoughts upon our recognition of Senator Bankhead. As Senator King mentioned, Bill was his mentor. He was also my mentor. I think he mentored a lot of folks in this chamber who are here now and who have gone on since then.

When I first had an opportunity to meet Bill, he was assigned to me when I was running for office. I think they were concerned that I would self-destruct and they sent Bill over to watch me. As I campaigned, there were different levels of holding your hand or watching someone and giving them advice. Bill took it to a level probably much further than a lot of folks might do. When you are campaigning, some of the things that you do include standing on the corner, waving to folks, and going to high school football games and wearing a tee shirt that, maybe, has the face of Charlie Clary on it. I will say that Bill had the best presentation of Charlie Clary at the football game that I have seen. He was truly a friend to take it to that level of support and encouragement.

I met him through this process. In the end, I became a friend and began to know him as a result of being elected, and a lot by the efforts of him being there to mentor and help me. I will say that I will never find a truer friend and someone who is genuinely concerned about what you think, what you do. If he sees where you might stumble in some place, he is there to pick you up. I truly will miss him.

**Senator Klein:** Thank you, Mr. President. The great thing about the Senate and the legislative process is that you can come from different parts of the state, different parts of the country, all come together in this environment and make great friends. As we all know, our voters back home many times vote for people and the kinds of people they are, as opposed to what the issues are.

Bill was the kind of person, that although we came from totally different backgrounds, different personalities, different environments, different communities, he was the type of person you would get up here and he could just befriend anybody. He was a gentle man. He was a man with a great sense of humor, really great sense of humor. His jokes were really incredible. I will not get into any of the ones I remember that he used to tell. He really was a remarkable man. He was truly, as the resolution said, he was truly prepared.

Early on when I was learning about some of the issues, particularly juvenile justice and criminal law, I would sit down with him. His door was always open. You can say that about a lot of people, but he truly embraced you. He wanted to hear from you. He wanted to listen. He was not talking at you. You had a dialogue and a friendship. I really will always remember that friendship. I will always remember a great man. With term limits changing things and many of you not having a long time here; many of you served with him, but maybe not for a long period of time. Maybe you had the opportunity to work with him when he was the Secretary of the Department of Juvenile Justice and you watched him in that environment, a totally different environment. Still, taking on the great struggles and doing a great job.

We are all going to miss him. We will all be better because we had the opportunity to know him.

**Senator Campbell:** When I first got elected, I had no political experience. When I went to my first meeting, being a member of the minority party, you were not sure what you were going to get into when you got up here. I had always heard that the Senate was a chamber of collegiality and that each member had his or her own sense of friendship. The first meeting I went to, Bill Bankhead was sitting there next to me. I was a little nervous because, again, I did not know exactly what a minority member would do in the Senate. I watched down there. If you do not know, Bill Bankhead was the greatest doodler of anybody. He would be sitting there doodling. I noticed a couple of things: that he would always start from the bottom of the page, work up and he would have light strokes. I said to him, "Bill, why do you always start from the bottom of the page?" He said, "Well, when you start from the bottom of the page, that means you are ambitious; it means you are friendly; it means you are somebody that people respect; and that is what I would like to be remembered as." Then I said, "Well, why do you use light strokes?" He said, "Light strokes always indicate we are going to have a good day."

Bill, every time I sat there, was happy. He was a guy who I could talk to. He was a guy who had never said Democrat, Republican. He was a guy who just said, "What's best for the citizens of the State of Florida?" He was most concerned with our juvenile justice system and the kids out

there. He was concerned with making sure that those kids who were arrested had a chance of rehabilitation. Folks, he was the epitome of that collegiality. He was the epitome of what we are all here for. I hope that Bill Bankhead's memory will exist for many, many, many years by the members who did not have the opportunity of actually sitting next to, and being in a meeting with, and knowing Bill Bankhead. Bill, you might have died, but you are with God. Bill, we will tell you, we love you.

**Senator Wise:** Thank you, Mr. President. Thank you, Senator King for the resolution. I was elected in April 1988 and Bill was a piece of work. He had a dry sense of humor. You were exactly right, Senator Klein. He was really dry. We did a lot of things together. I will tell you what he told me that was really interesting. Back when he was first elected in 1978, the Republicans didn't really have many members. He was in the back row. They put him on the HHS Committee, the Children and Families Committee that we have now. I think he said it was for punishment or something. He was the only Republican they put on there. Then he said, "You know, I'm a real estate guy. I work for CSX. What am I going to do? I have no clue."

He began then to study. He read everything. He became the expert. He told me, "Knowledge is power. If you know the subject and you know it as well as the bureaucrats, you can take them on. You can change the system." That's exactly what he did. I have never forgotten that because if you flip flop from committee to committee and you kind of touch the top of the mountains, that's one thing. But he was into the valleys, into the data. He was a policy wonk. He did all those kinds of things.

He was a neat guy. I learned a lot from him. I wasn't in the House very long when he ran for the Senate. I never could figure out why he would do that. I thought the House was it. Now I understand why he came over here. He was one of the really, truly, great guys. What really is frightening is that he was the same age as me; born in 1941, I think that's pretty young. We are never guaranteed tomorrow. It was really sad to have him leave us but he left a legacy here and for the kids in the State of Florida. I am glad to be his friend.

**Senator Smith:** Thank you, Mr. President. I knew Bill Bankhead in an entirely different setting. I was not in the Senate with Bill Bankhead. In 1992, I was a State Attorney. We decided to go along with an idea that seemed revolutionary at the time. It was mostly Bill Bankhead's idea and that was to create, structure, and take away from a system that was much too large and cumbersome, a Department of Juvenile Justice. Part of that was creation of a Juvenile Justice Accountability Board. I was the State Attorney representative. I served two terms with him.

All the things you say personally about him are true. But Bill Bankhead's greatest legacy people don't know about is the difference in juvenile crime and the status of juveniles in this state. If we went back in history to 1993, we would see that he essentially took it on his shoulders, carried the system forward, when basically, no one knew whether it would work. Most people thought it would create another bureaucracy. He not only did it well, he did it so well that a Democratic Governor appointed him to the chairmanship of our committee. He provided us great leadership and vision.

Bill Bankhead was a person who encompassed and embraced other people's ideas. He never had pride of authorship over an idea. He also was a guy that if you were going in the wrong direction, he would privately tell you that. All of those qualities distinguished him.

I want you to know that there are hundreds, thousands, tens of thousands of young people in Florida whose lives were changed because Bill Bankhead had a vision and then the energy and the will to do what not many people will do: to switch from this process to taking over the administration of an agency that is one of the toughest to manage, one of the toughest to lead, and to lead it with distinction and friendship for children. He traveled. He met with sheriffs. He met with State Attorneys, because he had the goal in mind to make this a better state for our young people.

I want to reveal, Jane, if you will forgive me, one little secret. I'll let you know that I know he would forgive me now. When I was running for the Senate, I was running for the wrong party as he would clearly instruct me. He was a great friend and advisor. It was literally like undercover; I would meet him somewhere and he would tell me good things. I have to tell you that he was a friend when it was hard to be a friend. He stayed with me. He was with Rod Smith when it wasn't cool.

I thank him so much. I miss him. Jane, the whole State of Florida, but particularly our young people today, thanks you for your support for him; thanks Bill for what he did for the agency. The state is different today. Young people are different today. Their futures are different today, because we had Bill Bankhead.

**Senator Crist:** Thank you, Mr. President. Senator Smith said probably half of what I had listed here that I was going to say. Both of us work in the same area and have had the opportunity to work with Senator Bankhead in the same capacity.

When I was first elected in 1992, I came up here. I didn't really know anyone. In fact it was a surprise I even got elected in that district that was only one-third my party affiliation. I needed to make friends and I needed to make them quickly. In those days, it was difficult for a member of the minority party in the House to get anything done and to really be effective. I came over to the Senate. I started working it over here. Someone who you and I both admire, Senator Malcolm Beard, said, "See that man over there, Senator Bankhead? You need to get to know him. Because he is an expert in the area that you have a keen interest in and he can help make things happen for you." That was the beginning of our friendship. Things did begin to happen.

We worked together on a number of projects. I have to say that Senator Smith, you were absolutely right, that Senator Bankhead was an incredible visionary. But far beyond that, it's one thing to envision something. It's different to actually create that vision and to bring it to life. He was gifted in the abilities to bring his visions to life. The Department of Juvenile Justice was a tremendous undertaking. As a Senator, to bring that to fruition during those times when there was opposition, was quite challenging. But once it was created and he came onboard and worked to develop the department, he took upon himself quite a challenge. He still had a lot of problems that needed to be worked out. He tackled new ideas and he was willing to see them to fruition.

I remember something that was important to me, and that was testing the ability to use the visual and performing arts to modify deviant juvenile behavior and then document it, so that the various arts organizations could use that scientific data to support funding in our schools for arts. He said, "Well, OK, I'm willing to look at this." Jane, you remember when we first sat down, and we started talking about PRODIGY, he was genuinely interested in it. He said, "I want to see how putting gang members in dance tights is going to make a difference. I want you to show me how art classes are going to make a difference." We worked on it for a year and put into that program the ability to measure it, which by the time he left the department, became one of his star programs. That program is very successful today thanks to his leadership, his insight, and most of all, his love for children and the desire to want to make a difference.

His body may be dead, but his spirit and his soul will live in this state forever and ever through the children of the children who he had an impact on. So Jane, thanks to him and you and the team that he assembled. We are very grateful.

**Senator Webster:** Thank you, Mr. President, thank you, Senator King, for doing this resolution. I knew Bill Bankhead for 25 years and he was a good man. I grew to love him. I had the chance to see him about six days ago, right about now. I'll just say that he was a good friend. He was a great legislator and he was an awesome public servant. I know Diana and the family are going to miss him, but so are we.

**Senator Bullard:** Thank you Mr. President. Even with a strained voice, I feel it necessary today to say something. I was very surprised and very shocked when I learned of the death of Senator Bankhead, and I will say Senator because I am told that once a Senator, always a Senator.

I got to know him as a House Member, working with him on some legislation. Initially, I was very afraid because he was like the person I was afraid to approach. One day, I decided to hug him, as you all know I love to hug. I was afraid to hug him, but then when I hugged him, he was okay with it.

Then later, there is the story of when the Florida Conference of Black State Legislators invited him to come and speak before one of our issues' conferences. I believe all the members of Florida Conference of Black State Legislators will remember this. We were all on a bus. We were having a lot of fun. He was there. He leaned over to me and said, "Where are we going to eat this evening?" We were in Miami in the village in

Coconut Grove. Someone said that there was a really fancy, fancy, soul food restaurant right in the middle of the village in Coconut Grove and that was where we were going. It turned out that when we arrived, the owner of the restaurant decided he would be fancy and prepare a different kind of meal because he was serving Representatives and Senators. So the owner came out with these little fancy dishes, blackened fish and sauted mushrooms. Senator Bankhead leaned over to me and said, "Larcenia, I thought you told me we were coming in here to eat soul food. This is not soul food. I eat the same type of food as you do. I was looking for some smothered chicken and porkchops and some stuff like that." We laughed. We had fun. That memory will always be with me.

He did care about what happens in this state. You've all said it, but today I know that God is watching over him. Thank you.

**President Lee:** Senators, these are always very unique experiences in the Senate. I have witnessed a number of them. They are always reminders of what a great family we view ourselves as. Not just those of us who are serving currently, but those who have sat in those seats that we now occupy.

It is always a reminder to me that we are really just passing through. Our time here, and our opportunity to make a difference is brief. It's an inspiration to me to do what is right and to stand up for what I believe in. I hope this will inspire you because I really often wonder what a great world this would be if we all had the discipline to live our lives as we would like to be memorialized.

What a great tribute to Senator Bankhead. He is all the things you all have described him as. What a great guy and a great leader.

When I came to this Senate, he was sitting where Senator Pruitt sits now as the Rules Chairman. He was a mentor to a lot of us in our early years, helping to teach us a process that was very foreign to us. I am a better public servant today because I crossed paths with Bill Bankhead. What a great tribute. Thank you, Senator King very, very much for bringing this to us this morning.

## REPORTS OF COMMITTEES

The Committee on Commerce and Consumer Services recommends the following pass: SB 1024

The Committee on Environmental Preservation recommends the following pass: SB 1318 with 3 amendments

The Committee on Health Care recommends the following pass: SB 1122

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

The Committee on Commerce and Consumer Services recommends the following pass: SB 1028

**The bill was referred to the Committee on Children and Families under the original reference.**

The Committee on Criminal Justice recommends the following pass: SB 1238

The Committee on Environmental Preservation recommends the following pass: SB 1448

The Committee on Regulated Industries recommends the following pass: SB 792

**The bills contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.**

The Committee on Agriculture recommends the following pass: SB 716

The Committee on Environmental Preservation recommends the following pass: SB 772, SB 824 with 2 amendments

The Committee on Judiciary recommends the following pass: SB 1184

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

The Committee on Agriculture recommends the following pass: SB 558

The Committee on Transportation recommends the following pass: SB 530 with 4 amendments, SB 1344 with 4 amendments

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

The Committee on Agriculture recommends the following pass: CS for SB 502

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 786, SB 1254 with 1 amendment

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

The Committee on Banking and Insurance recommends the following pass: SB 468

The Committee on Regulated Industries recommends the following pass: SB 666

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

The Committee on Children and Families recommends the following pass: SB 904

The Committee on Criminal Justice recommends the following pass: SB 656 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 974

**The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.**

The Committee on Children and Families recommends the following pass: SB 348

The Committee on Community Affairs recommends the following pass: SB 208, SB 354 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 498

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

The Committee on Commerce and Consumer Services recommends the following pass: SB 1042

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

The Committee on Banking and Insurance recommends the following pass: SB 698 with 2 amendments

The Committee on Commerce and Consumer Services recommends the following pass: SB 1454

The Committee on Criminal Justice recommends the following pass: SB 274 with 1 amendment, SB 276, SB 654

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

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The Committee on Banking and Insurance recommends the following pass: SB 266

The Committee on Criminal Justice recommends the following pass: SB 312, SB 730, SB 1020 with 2 amendments

The Committee on Judiciary recommends the following pass: SB 162, SB 544 with 1 amendment

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SB 114, SB 724

**The bills contained in the foregoing reports were placed on the calendar.**

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The Committee on Domestic Security recommends a committee substitute for the following: SB 1062

The Committee on Regulated Industries recommends committee substitutes for the following: SB 590, SB 1308

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.**

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The Committee on Domestic Security recommends a committee substitute for the following: SB 1228

The Committee on Transportation recommends a committee substitute for the following: SB 1130

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.**

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The Committee on Children and Families recommends a committee substitute for the following: SB 1246

The Committee on Regulated Industries recommends a committee substitute for the following: SB 816

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.**

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The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 572

**The bill with committee substitute attached was referred to the Committee on Domestic Security under the original reference.**

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The Committee on Education recommends committee substitutes for the following: SB 528, SB 664

**The bills with committee substitutes attached were referred to the Committee on Education Appropriations under the original reference.**

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1508

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1310

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.**

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The Committee on Children and Families recommends a committee substitute for the following: SB 1090

**The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.**

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The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1486

The Committee on Children and Families recommends a committee substitute for the following: SB 758

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.**

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The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 688

**The bill with committee substitute attached was referred to the Committee on Ways and Means under the original reference.**

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The Committee on Commerce and Consumer Services recommends a committee substitute for the following: CS for SB 434

**The bill with committee substitute attached was placed on the calendar.**

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

By Senator Wilson—

**SB 1516**—A bill to be entitled An act relating to respite care; amending s. 52 of ch. 2001-45, Laws of Florida, as amended; specifying nonapplication of a moratorium on certificates of need for the addition of nursing home beds for nursing homes that provide respite care for certain persons; providing for repeal; requiring the Agency for Health Care Administration to adopt rules for the provision of respite care by nursing homes; providing an effective date.

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

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**SR 1518**—Not referenced.

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By Senator Lynn—

**SB 1520**—A bill to be entitled An act relating to consumer protection; amending s. 493.6303, F.S.; revising training requirements for obtaining a Class “D” license; requiring a minimum number of hours of training in terrorism awareness or other training prescribed by the Department of Agriculture and Consumer Services; providing a timeframe for submitting proof of having completed the training; revising the number of training hours required; amending s. 501.059, F.S.; redefining the term “telephonic sales call” to provide that the term applies to sales of any goods or services; redefining the term “consumer goods or services” to

remove the term “consumer” and include property used for business purposes; redefining the term “consumer,” to conform; redefining the term “merchant” to include the offering of goods and services; redefining the term “doing business in this state” to include calls to telephone numbers in this state; requiring a telephone solicitor to identify himself or herself when calling any telephone number; adding a business to those who may subscribe to the “no sales solicitation calls” listing of the Department of Agriculture and Consumer Services; prohibiting the transmission of facsimile documents under certain circumstances; providing for attorney’s fees and for the recovery of certain litigation expenses by the department and the Department of Legal Affairs; repealing ss. 546.001, 546.002, 546.003, 546.004, 546.006, and 546.008, F.S., relating to the “Amusement Ride and Attraction Insurance Act”; amending s. 559.801, F.S.; redefining the term “business opportunity” for purposes of the “Sale of Business Opportunities Act”; amending s. 559.920, F.S.; redefining actions by motor vehicle repair shops or employees which are unlawful; amending s. 559.928, F.S.; revising information to be submitted for registration as a seller of travel and information submitted by independent agents; requiring the payment of an annual fee; amending s. 616.242, F.S.; deleting provisions authorizing the owner of an amusement ride to maintain liability protection in the form of a surety bond; exempting certain governmental entities from a requirement to maintain liability protection covering amusement rides; amending s. 849.094, F.S.; redefining the term “operator” for purposes of the regulation of game promotions; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Judiciary; and General Government Appropriations.

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By Senator Baker—

**SB 1522**—A bill to be entitled An act relating to Medicaid eligibility; amending s. 409.902, F.S.; providing asset transfer limitations for determination of eligibility for nursing facility services under the Medicaid program; authorizing the Department of Children and Family Services to adopt rules; providing a contingent effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Ways and Means.

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By Senators Rich and Dawson—

**SB 1524**—A bill to be entitled An act relating to mental health care services; creating s. 409.91225, F.S.; directing the Agency for Health Care Administration, in cooperation with the Department of Children and Family Services, to develop a pilot program in district 10 for a mental health care provider service network to deliver mental health care services as a form of managed care under the MediPass program; providing legislative intent; providing powers, duties, and responsibilities of the agency under the program; directing the agency to determine the medical and financial eligibility standards for individuals seeking services from the program and the criteria for mental health care providers to participate in the program; providing for agreements with other governmental programs and institutions; providing for oversight; providing rulemaking authority; requiring a report to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Health Care; Children and Families; and Health and Human Services Appropriations.

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By Senator Baker—

**SB 1526**—A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.071, F.S.; making the killing of an unborn quick child rather than the killing of a viable fetus a “vehicular homicide”; deleting a provision describing the viability of a fetus; amending s. 782.09, F.S.; defining the term “unborn quick child”; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the

mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; amending ss. 435.03 and 435.04, F.S., to conform language to changes made by s. 782.09, F.S., and reenacting ss. 435.03(2)(f) and 435.04(2)(f), F.S., relating to Level 1 and Level 2 screening standards, respectively, to incorporate the amendment to s. 782.071, F.S., in references thereto; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart, to conform provisions to changes made by the act, and reenacting paragraphs (3)(h) and (i), to incorporate the amendments to ss. 316.193 and 782.071, F.S., in references thereto; reenacting s. 316.656(3), F.S., relating to mandatory adjudication, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 947.146(3)(j), F.S., relating to the Control Release Authority, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 960.03(3)(b), F.S., relating to the definition of “crime” under the Florida Crimes Compensation Act, to incorporate the amendment to s. 782.071, F.S., in a reference thereto; providing an effective date.

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

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By Senator Bullard—

**SB 1528**—A bill to be entitled An act relating to the Florida Keys Aqueduct Authority, Monroe County; providing for codification of special laws relating to the Florida Keys Aqueduct Authority; providing legislative intent; codifying, repealing, amending, and reenacting chapters 76-441, 77-604, 77-605, 80-546, 83-468, 84-483, 84-484, 86-419, 87-454, 98-519, 2003-304, and 2003-327, Laws of Florida; providing for liberal construction; providing a savings clause in the event any provision of the act is deemed invalid; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senator Haridopolos—

**SB 1530**—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 2003-335, Laws of Florida; amending the powers and duties of the Canaveral Port District, an independent special district in Brevard County, to authorize the district to sell or otherwise dispose of certain real property; providing the procedure for such sale or other disposition; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senator Wilson—

**SB 1532**—A bill to be entitled An act relating to the Medicaid program; amending s. 409.91195, F.S.; requiring that the Medicaid Pharmaceutical and Therapeutics Committee recommend medications used to relieve the symptoms of the influenza virus to the Agency for Health Care Administration; providing that prior authorization for such medications is not required during certain months; amending s. 409.912, F.S.; authorizing the agency to remove the prior-authorization requirement for influenza drugs recommended by the committee; requiring that the agency reimburse a maximum supply of one medication used to treat the influenza virus; providing an effective date.

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

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By Senators Rich and Margolis—

**SB 1534**—A bill to be entitled An act relating to adoption; amending s. 63.042, F.S.; providing that a person who is a homosexual is eligible

to be an adoptive parent under certain enumerated circumstances; requiring that the eligibility criteria be met by clear and convincing evidence; providing an effective date.

—was referred to the Committees on Children and Families; and Judiciary.

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By Senator Hill—

**SB 1536**—A bill to be entitled An act relating to health care disclosure; providing definitions; requiring the Office of Insurance Regulation of the Department of Financial Services to identify employers of persons receiving certain medical assistance and employers of proposed beneficiaries of certain health care benefits; requiring reports to the Legislature; providing for public access to such information; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and General Government Appropriations.

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By Senator Hill—

**SB 1538**—A bill to be entitled An act relating to wage discrimination; amending s. 760.02, F.S.; providing definitions; amending s. 760.06, F.S.; requiring rulemaking by the Florida Commission on Human Relations regarding job criteria guidelines; amending s. 760.10, F.S.; clarifying provisions with respect to discrimination against individuals which constitutes an unlawful employment practice; clarifying administrative and civil remedies; creating s. 760.105, F.S.; providing for wage disclosure, recordkeeping, and reporting requirements of employers; requiring rulemaking by the Florida Commission on Human Relations regarding requirements; providing for relief and damages for violation of requirements; amending s. 760.11, F.S., relating to administrative and civil remedies under the Florida Civil Rights Act of 1992; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Judiciary; and Governmental Oversight and Productivity.

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**SR 1540**—Not referenced.

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By Senator Dockery—

**SB 1542**—A bill to be entitled An act relating to the reuse and recycling of campaign signs; creating s. 403.71853, F.S.; authorizing the Department of Environmental Protection to implement a pilot project to encourage the reuse or recycling of campaign signs; authorizing the use of funds from the Solid Waste Management Trust Fund; authorizing grants to large and small counties; providing for the purpose of the grants; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; and General Government Appropriations.

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By Senator Rich—

**SM 1544**—A memorial to the Congress of the United States, urging the review and reorganization of Federal Emergency Management Agency policies and administrative procedures for the purpose of avoiding delays in cleanup and reimbursement in the aftermath of declared disasters.

—was referred to the Committee on Rules and Calendar.

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**SR 1546**—Not referenced.

By Senator Wilson—

**SB 1548**—A bill to be entitled An act relating to racial profiling; prescribing responses that the Attorney General may take upon the filing of a complaint alleging racial profiling against a law enforcement officer or agency; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

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By Senator King—

**SB 1550**—A bill to be entitled An act relating to bicycle regulation; amending s. 316.2065, F.S.; revising safety standard requirements for bicycle helmets that must be worn by certain riders and passengers; providing for enforcement of certain bicycle equipment requirements; providing penalties for violations; providing for dismissal of a first offense; providing an effective date.

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

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By Senator Dockery—

**SB 1552**—A bill to be entitled An act relating to phosphate mining; amending s. 215.20, F.S.; eliminating the Phosphate Research Trust Fund from among the enumerated trust funds that contribute to the General Revenue Fund; amending s. 215.22, F.S.; exempting the Phosphate Research Trust Fund from the contribution to the General Revenue Fund required under s. 215.20, F.S.; repealing s. 378.101(1)(i), F.S., relating to a requirement that subjects the Phosphate Research Trust Fund to the service charge imposed under ch. 215, F.S.; providing an effective date.

—was referred to the Committees on Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

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By Senator Wise—

**SB 1554**—A bill to be entitled An act relating to contracting for efficiency or conservation measures by state agencies; amending s. 489.145, F.S.; including water and wastewater efficiency and conservation in the measures encouraged by the Legislature; providing definitions; providing for inclusion of water and wastewater efficiency and conservation measures in guaranteed performance savings contracts entered into by a state agency; amending s. 287.064, F.S., to conform; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Regulated Industries; Government Efficiency Appropriations; and General Government Appropriations.

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By Senator Lynn—

**SB 1556**—A bill to be entitled An act relating to workforce education; expressing the legislative intent to revise laws relating to workforce education; providing an effective date.

—was referred to the Committees on Education; Commerce and Consumer Services; Education Appropriations; Ways and Means; and Rules and Calendar.

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By Senator Lynn—

**SB 1558**—A bill to be entitled An act relating to enterprise zones; repealing s. 290.016, F.S.; abrogating the repeal of the Florida Enterprise Zone Act of 1994; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Constantine—

**SB 1560**—A bill to be entitled An act relating to student assessment; amending s. 1008.22, F.S.; requiring the Department of Education to conduct a concordance study to identify alternative examinations for the grade 10 FCAT for certain students with limited English proficiency; requiring approval of such examinations by the Commissioner of Education; providing student eligibility requirements; providing for satisfaction of the assessment requirement for high school graduation; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

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**Senate Resolutions 1562-1564**—Not referenced.

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By Senators Baker and Fasano—

**SB 1566**—A bill to be entitled An act relating to public school student progression; amending s. 1008.25, F.S.; requiring the comprehensive program for student progression to include assessment of performance in social studies; clarifying participation in the statewide assessment program; amending ss. 1003.51 and 1003.52, F.S.; conforming provisions relating to subject area grade level proficiency of students in Department of Juvenile Justice education programs; specifying that the act does not require a change in subject areas measured by the statewide assessment program; providing an effective date.

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

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By Senator Aronberg—

**SB 1568**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term “compensation” to include certain supplementary payments made to firefighters, paramedics, and emergency medical technicians and to certain employer-reported retirement contributions; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; and Ways and Means.

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**SR 1570**—Not referenced.

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By Senator Bennett—

**SB 1572**—A bill to be entitled An act relating to the Scripps Florida Funding Corporation; amending s. 288.955, F.S.; providing that the board of directors of the corporation shall have the exclusive right to select a provider or providers of water and wastewater facilities for the biomedical research institution and campus to be established by The Scripps Research Institute; specifying considerations with respect to the selection of a service provider by the board; repealing section 4, ch. 2003-420, Laws of Florida, relating to the authority of the county in which a facility established under s. 288.955, F.S., is located to provide water and wastewater services; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Transportation and Economic Development Appropriations; and Rules and Calendar.

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By Senator Siplin—

**SB 1574**—A bill to be entitled An act relating to the use of Tasers; prohibiting the use of a Taser or similar device on an individual whom the user knows or should have known to be a minor; providing penalties; providing an effective date.

—was referred to the Committees on Judiciary; and Criminal Justice.

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By Senator Fasano—

**SB 1576**—A bill to be entitled An act relating to the funding of dredging projects; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing criteria for the rules; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; providing an effective date.

—was referred to the Committees on Transportation; Commerce and Consumer Services; and Transportation and Economic Development Appropriations.

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By Senator Lynn—

**SB 1578**—A bill to be entitled An act relating to court costs for drug court programs; creating s. 938.20, F.S.; authorizing counties to provide by ordinance for funding of drug court programs through the assessment of an additional mandatory court cost; providing for the assessment to be imposed against persons convicted of certain violations of drug abuse prevention and control provisions, violations of a municipal or county ordinance, or traffic violations involving alcohol or other substance use or abuse and resulting in payment of a fine or penalty; providing an exception; providing for collection and deposit of the assessment; providing for administration of the funds; providing an effective date.

—was referred to the Committees on Judiciary; Government Efficiency Appropriations; and Justice Appropriations.

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By Senator Wilson—

**SB 1580**—A bill to be entitled An act relating to reservations of the Miccosukee Tribe of Indians of Florida; amending s. 285.16, F.S.; specifying that the state’s jurisdiction over criminal offenses committed within Indian reservations and over civil causes of action arising on reservations between Indians or other persons or to which Indians or other persons are parties does not apply to Indian reservations of the Miccosukee Tribe of Indians of Florida; reenacting s. 285.061(3), F.S., relating to transfer of land to United States in trust for the Seminole and Miccosukee Indian Tribes, and s. 285.18(2)(c), F.S., relating to tribal councils, to incorporate the amendment to s. 285.16, F.S., in references thereto; providing an effective date.

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

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By Senator Bullard—

**SB 1582**—A bill to be entitled An act relating to the corporate income tax; creating s. 220.192, F.S.; providing a tax credit for donations to the Cultural Institutions Trust Fund; providing that the unused amount of a credit may not be carried forward; prohibiting conveying, assigning, or transferring the credit to another entity except as specified; providing application procedures; providing for rulemaking by the Department of Revenue; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Government Efficiency Appropriations; and Ways and Means.

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By Senator Campbell—

**SB 1584**—A bill to be entitled An act relating to firefighter training certification; amending s. 633.35, F.S.; providing for issuance of a certificate of compliance of firefighter training by the Division of State Fire Marshal to a person who holds a federal firefighter certification; defining

the term “federal firefighter certification”; amending s. 590.02, F.S., to conform; providing an effective date.

—was referred to the Committee on Banking and Insurance.

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By Senator Campbell—

**SB 1586**—A bill to be entitled An act relating to procurement; amending s. 287.012, F.S.; providing definitions; creating s. 287.046, F.S.; providing for outsourcing or privatization of functions; providing procedural, contractual, and negotiation requirements; providing contract amendment requirements and limitations; providing requirements for share-in-savings contracts; requiring contracting agencies to annually report to the Governor, the Legislature, and certain entities; providing reporting requirements; requiring the Department of Management Services to annually report to the Governor, Legislature, and certain entities; providing reporting requirements; requiring the Department of Management Services to establish a personnel training program for certain purposes; amending s. 283.33, F.S.; correcting a cross-reference; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Government Efficiency Appropriations; General Government Appropriations; Ways and Means; and Rules and Calendar.

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**SR 1588**—Not referenced.

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By Senator Garcia—

**SB 1590**—A bill to be entitled An act relating to joint underwriters and reinsurers; amending s. 627.311, F.S.; providing requirements for the joint underwriting plan of insurers that operates as a nonprofit entity; requiring that the plan maintain its headquarters in Tallahassee; increasing the membership of the board of governors that oversees operation of the joint underwriting plan; authorizing the Financial Services Commission to remove a board member for cause; authorizing the board to select service providers competitively; requiring that the board provide notice of intent to solicit bids; requiring that the board provide for an annual review of the administrative costs of the plan and determine alternatives for procuring goods and services efficiently; requiring that the Office of Insurance Regulation review filings of the joint underwriting plan of workers’ compensation insurers; requiring that the office annually approve rates; deleting certain provisions limiting the disapproval of rates by the office; requiring that excess funds received by the plan be returned to the state; providing an effective date.

—was referred to the Committees on Banking and Insurance; Government Efficiency Appropriations; and General Government Appropriations.

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By Senators Haridopolos, Pruitt, Villalobos, Baker, Fasano, Atwater, Bennett, Clary, Saunders, Lynn, Sebesta, Jones, Wise, Alexander, Webster, King, Posey, Peaden, Constantine, Diaz de la Portilla, Argenziano and Crist—

**SB 1592**—A bill to be entitled An act relating to the Department of Military Affairs; amending s. 250.01, F.S.; defining the term “servicemembers’ group life insurance”; creating s. 250.342, F.S.; requiring the department to provide life insurance for members of the Florida National Guard, subject to appropriation; requiring a report; providing an effective date.

—was referred to the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

By Senator Argenziano—

**SB 1594**—A bill to be entitled An act relating to public records and meetings; expressing the legislative intent to create an exemption from public records and meetings requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; Ways and Means; and Rules and Calendar.

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By Senator Argenziano—

**SB 1596**—A bill to be entitled An act relating to public records and meetings; expressing the legislative intent to create an exemption from public records and meetings requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; Ways and Means; and Rules and Calendar.

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By Senator Dockery—

**SB 1598**—A bill to be entitled An act relating to enterprise zones; creating s. 290.00710, F.S.; authorizing the City of Lakeland to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

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By Senator Lynn—

**SB 1600**—A bill to be entitled An act relating to child care health and safety; amending s. 402.302, F.S.; redefining the term “screening” to allow the Department of Children and Family Services to screen volunteers for past employment and criminal histories; amending s. 402.310, F.S.; providing that the registration of a family day care home is subject to certain disciplinary actions; providing that a consistent administrative fine may be imposed for all provider types, in addition to or in lieu of other disciplinary actions; specifying the factors the department must consider when selecting a disciplinary action against a licensee or registrant; providing an applicant, licensee, and registrant the right to appeal; amending ss. 402.313 and 402.3131, F.S.; removing conflicting provisions regarding an administrative fine; providing an effective date.

—was referred to the Committees on Children and Families; and Health and Human Services Appropriations.

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By Senator Baker—

**SB 1602**—A bill to be entitled An act relating to state tax funds; amending s. 213.756, F.S.; specifying a complete defense to certain actions by a purchaser to recover taxes or for a refund of taxes; providing application; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Government Efficiency Appropriations.

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By Senators Lynn and Fasano—

**SB 1604**—A bill to be entitled An act relating to the Florida 211 Network; amending s. 408.918, F.S.; requiring the Florida 211 Network to provide services in each county and to coordinate services with county emergency operations centers during disasters; providing requirements for distribution of state funds appropriated for such purposes; requiring local matching funds; requiring expenditure reports to the Florida Alliance of Information and Referral Services, the Agency for Health Care

Administration, and the Legislature; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; Community Affairs; Health and Human Services Appropriations; and Ways and Means.

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By Senator Lynn—

**SB 1606**—A bill to be entitled An act relating to road designations; designating a portion of East Silver Springs Boulevard in the City of Ocala as the “Dr. John M. Haile Memorial Boulevard”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

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By Senator Clary—

**SB 1608**—A bill to be entitled An act relating to architecture and interior design; amending s. 481.219, F.S.; revising provisions on architectural and interior design services certifications to include applicability to limited liability companies; amending s. 481.221, F.S.; authorizing the use of an electronic seal under certain circumstances; providing for the adoption of certain rules; applying requirements on the display of certificate numbers to limited liability companies; amending s. 481.225, F.S.; revising grounds for disciplinary actions; amending s. 481.229, F.S.; revising an exemption relating to interior design services and titles to include applicability to certain limited liability companies; providing an effective date.

—was referred to the Committees on Regulated Industries; and Commerce and Consumer Services.

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By Senators Atwater and Fasano—

**SB 1610**—A bill to be entitled An act relating to recreational licenses and permits; amending s. 372.562, F.S.; revising the exemption from recreational license and permit requirements to include additional military personnel; reenacting ss. 372.57(1) and 372.5717(7), F.S., relating to recreational licenses, permits, and authorization numbers and fees and to a hunter safety course, respectively, to incorporate the amendment to s. 372.562, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

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By Senator Atwater—

**SB 1612**—A bill to be entitled An act relating to water management district security; creating s. 373.6055, F.S.; requiring water management districts with structures or facilities identified as critical infrastructure to conduct criminal history checks of certain persons; authorizing water management districts with structures or facilities that are not identified as critical infrastructure to conduct criminal history checks of certain persons; providing requirements for criminal history checks; requiring submission of fingerprints to the Department of Law Enforcement and the Federal Bureau of Investigation; providing for payment of criminal history check costs; requiring the water management district's security plan to identify criminal history convictions or factors that disqualify applicants for employment and restricted area access; authorizing the use of such factors to disqualify certain employees and other persons; authorizing water management districts to establish appeal procedures; authorizing water management districts to grant temporary waivers; providing offenses that disqualify a person from employment or

access to a restricted access area; providing an exception to disqualification; providing an effective date.

—was referred to the Committees on Environmental Preservation; Domestic Security; Criminal Justice; and General Government Appropriations.

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By Senator Aronberg—

**SB 1614**—A bill to be entitled An act relating to life insurance for Florida National Guard members; providing for issuing a life insurance policy to members of the Florida National Guard under certain circumstances; specifying an amount; requiring the Legislature to provide for a continuing appropriation to pay the premiums on such policies under certain circumstances; providing for repeal if the policies and premiums are provided by the Federal Government; providing an effective date.

—was referred to the Committees on Community Affairs; Transportation and Economic Development Appropriations; and Rules and Calendar.

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By Senator Atwater—

**SB 1616**—A bill to be entitled An act relating to insurable interests; amending s. 627.404, F.S.; authorizing a trust, partnership, limited liability company, or similar entity approved by a university meeting specified criteria to own or purchase life insurance on a consenting person; prescribing guidelines and requirements for such life insurance; requiring approval by the Department of Financial Services; providing an effective date.

—was referred to the Committees on Banking and Insurance; Education Appropriations; and Rules and Calendar.

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By Senators Atwater and Fasano—

**SB 1618**—A bill to be entitled An act relating to the Autism Spectrum Disorder Medicaid Waiver Program; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to work with the Agency for Persons with Disabilities to develop a Medicaid waiver program for children with Autism Spectrum Disorder; providing a definition; providing for implementation subject to the availability of funds; authorizing the agency to adopt rules; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; and Health and Human Services Appropriations.

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By Senator Atwater—

**SB 1620**—A bill to be entitled An act relating to sales tax exemptions; amending s. 212.08, F.S.; abrogating the repeal of a tax exemption for solar energy systems; providing an effective date.

—was referred to the Committees on Environmental Preservation; Government Efficiency Appropriations; and Ways and Means.

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By Senator Atwater—

**SB 1622**—A bill to be entitled An act relating to hospices; amending s. 400.601, F.S.; redefining the term “hospice” for purposes of part VI of ch. 400, F.S., to remove the stipulation of not-for-profit status; providing an effective date.

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

By Senator Campbell—

**SB 1624**—A bill to be entitled An act relating to the state excise tax on property insurance premiums; amending s. 175.101, F.S.; authorizing municipalities providing fire protection in other municipalities to assess and impose such tax on premiums of policies on property in such other municipalities; providing an effective date.

—was referred to the Committees on Community Affairs; Banking and Insurance; Governmental Oversight and Productivity; and Government Efficiency Appropriations.

By Senator Crist—

**SB 1626**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; authorizing designation of positions within the offices of the capital collateral regional counsels as Senior Management Service Class; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senator Crist—

**SB 1628**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public-records requirements for personal identifying information contained in records concerning current or former juvenile probation officers, juvenile probation supervisors, and juvenile detention officers of the Department of Juvenile Justice, and their spouses and children; providing for future repeal and legislative review under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Smith—

**SB 1630**—A bill to be entitled An act relating to recycling of recovered construction and demolition materials; creating s. 403.7047, F.S.; providing purpose; providing a definition; requiring local governments to create, if feasible, separate franchises for the collection, transportation, and recycling of recovered construction and demolition materials; providing for determination of feasibility; providing sanctions; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; and General Government Appropriations.

By Senators Smith and Fasano—

**SB 1632**—A bill to be entitled An act relating to DUI programs; amending s. 322.292, F.S.; requiring DUI classes to be taught by a certified instructor in a classroom in which the instructor and all offenders in the class are present; prohibiting any other method of instruction; providing an effective date.

—was referred to the Committees on Transportation; and Judiciary.

By Senator Webster—

**SB 1634**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term “average final compensation”; increasing a contribution rate for certain benefit change funding purposes; providing a declaration of important state

interest; amending s. 121.0515, F.S.; adding certain code compliance officers to the Special Risk Class; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Community Affairs; Ways and Means; and Rules and Calendar.

By Senator Smith—

**SB 1636**—A bill to be entitled An act relating to liability of in-home services companies and residential delivery companies for negligent hiring, retention, or supervision; providing definitions; requiring an in-home service company or residential delivery company to obtain criminal history information concerning certain employees, agents, subcontractors, and independent contractors from the Department of Law Enforcement or private vendor; providing conditions under which a person may file suit against an in-home service company or residential delivery company for negligent hiring; providing rebuttable presumptions; authorizing an in-home service company or residential delivery company to obtain criminal history information concerning certain applicants and employed persons from the Department of Law Enforcement or a private vendor; prohibiting the disclosure of criminal history information except under certain circumstances; requiring an in-home service company or residential delivery company to maintain criminal history information for a specified period; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Criminal Justice; and Judiciary.

By Senator Smith—

**SB 1638**—A bill to be entitled An act relating to youth custody officers; amending s. 985.2075, F.S.; authorizing a youth custody officer to take a youth into custody if the officer has probable cause to believe that the youth has escaped from a facility operated by or under contract with the department or has absconded from the supervision of the department; requiring the youth custody officer to file certain criminal information and gather evidence for court before delivering the youth to certain facilities; providing an effective date.

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

By Senator Smith—

**SB 1640**—A bill to be entitled An act relating to attorney’s fees in eminent domain actions; amending s. 73.032, F.S.; deleting the monetary limitation on payment of compensation by a petitioner in an eminent domain action; repealing s. 73.092, F.S., relating to attorney’s fees in such proceedings; amending ss. 73.015 and 73.091, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Judiciary; Transportation; Transportation and Economic Development Appropriations; and Rules and Calendar.

By Senator Smith—

**SB 1642**—A bill to be entitled An act relating to driving or boating under the influence; amending s. 316.193, F.S.; revising the level of alcohol content in blood or breath at which certain penalties apply for the offense of driving under the influence; amending s. 316.656, F.S.; revising the level of alcohol content in blood or breath at which the prohibition against accepting a plea to a lesser offense applies; amending s. 327.35, F.S.; revising the level of alcohol content in blood or breath at which certain penalties apply for the offense of boating under the influence; reenacting ss. 142.01(1), 316.066(3)(a), 316.072(4)(b), 316.1932(3), 316.1933(4), 316.1934(1) and (4), 316.1937(1) and (2)(d), 316.1939(1)(b), 318.143(4) and (5), 318.17(3), 322.03(2), 322.0602(2)(a), 322.21(8), 322.25(5), 322.26(1)(a), 322.2615(1), (2), (7), (8)(b), (10)(b), and (14), 322.2616(1)(a), (15), and (19), 322.264(1)(b), 322.271(2)(a), (2)(c), and (4),

322.28(2), 322.282(2)(a), 322.291(1)(a), 322.34(9)(a), 322.44, 322.62(3), 322.63(2)(d) and (6), 322.64(1), (2), (7)(a), (8)(b), (14), and (15), 323.001(4)(f), 327.35(6), 397.405(10), 440.02(17)(c), 440.09(7)(b), 493.6106(1)(d), 627.758(4), 790.06(2)(f) and (10)(f), 903.36(2), 907.041(4)(c), 938.07, 938.21, 938.23(1), 943.05(2)(d), 948.03(8)(b), 948.036(2), and 960.03(3)(b), F.S.; incorporating the amendment to s. 316.193, F.S., in references thereto; reenacting ss. 142.01(1), 327.352(3), 327.35215(1) and (2), 327.353(4), 327.354(1) and (4), 327.355(1)(a) and (4), 327.359(2), 327.36, and 938.07, F.S.; incorporating the amendment to s. 327.35, F.S., in references thereto; providing an effective date.

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

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By Senator Campbell—

**SB 1644**—A bill to be entitled An act relating to economic-development incentives; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to specified units of local government owning eligible convention centers; amending s. 288.1162, F.S.; providing a procedure for certification of additional facilities for a retained spring training franchise; providing for application and selection; establishing a maximum number of certifications and the funding per application cycle; clarifying the number of certifications of facilities for retained spring training franchises; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Ways and Means.

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By Senator Wilson—

**SB 1646**—A bill to be entitled An act relating to school health services; providing a short title; amending ss. 381.0056 and 768.28, F.S.; specifying that certain persons be considered agents of the state for purposes of sovereign immunity when rendering specified services; creating s. 381.0058, F.S., relating to public-private partnerships for the provision of school nurse services; providing legislative intent and purpose; providing departmental duties; providing a process for proposal submission and review; providing for the scope of services to be provided; providing for review and selection criteria; providing legislative intent relating to funding of the act; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; Education; Judiciary; Health and Human Services Appropriations; and Ways and Means.

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By Senator Fasano—

**SB 1648**—A bill to be entitled An act relating to highway signs; requiring the Department of Transportation to erect directional signs to certain colleges and universities in this state; requiring such colleges or universities to pay for the construction, erection, and maintenance of such signs; providing an effective date.

—was referred to the Committees on Transportation; and Education Appropriations.

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By Senator King—

**SB 1650**—A bill to be entitled An act relating to workforce innovation; amending s. 20.50, F.S.; revising the organization, powers, and duties of the Agency for Workforce Innovation; deleting references to specific programs; amending s. 445.003, F.S.; revising certain provisions relating to funding under the federal Workforce Investment Act of 1998; deleting obsolete provisions; amending s. 445.004, F.S.; providing that members and employees of Workforce Florida, Inc., are covered by the waiver of sovereign immunity in s. 768.28, F.S.; revising membership and appointment of the board of directors of Workforce Florida, Inc., and increasing

terms of members; providing for use of telecommunications to facilitate meetings; revising duties of the board chair and of Workforce Florida, Inc.; providing for rules; providing additional qualifications for certain board members; authorizing activities, incentives, and awards; amending s. 445.006, F.S.; providing for an operational plan; amending s. 445.007, F.S.; providing for the use of telecommunications to facilitate meetings of regional workforce boards; authorizing activities, incentives, and awards by regional workforce boards and their subordinate entities; deleting obsolete provisions; amending s. 445.009, F.S.; deleting provisions relating to performance evaluation; deleting obsolete provisions; requiring development of a plan for leveraging resources; amending s. 445.019, F.S.; providing an additional purpose of the teen parent and pregnancy prevention diversion program; amending s. 445.020, F.S.; requiring the Temporary Assistance for Needy Families state plan to indicate financial criteria for determination of needy families or parents, when required by federal regulations; amending s. 427.012, F.S.; providing for the director of the agency to serve on the Commission for the Transportation Disadvantaged; repealing s. 445.005, F.S., relating to First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages Councils of Workforce Florida, Inc., s. 445.012, F.S., relating to Careers for Florida's Future Incentive Grant Program, s. 445.0121, F.S., relating to student eligibility requirements for initial awards, s. 445.0122, F.S., relating to student eligibility requirements for renewal awards, s. 445.0123, F.S., relating to eligible postsecondary education institutions, s. 445.0124, F.S., relating to eligible programs, s. 445.0125, F.S., relating to repayment schedule, s. 445.013, F.S., relating to challenge grants in support of welfare-to-work initiatives, s. 446.21, F.S., providing a short title, s. 446.22, F.S., relating to definitions for the Florida Youth-at-Risk 2000 Pilot Program, s. 446.23, F.S., relating to obligations of a mentor, s. 446.24, F.S., relating to obligations of a youth participant, s. 446.25, F.S., relating to implementation of the program, s. 446.26, F.S., relating to funding the program, and s. 446.27, F.S., relating to an annual report; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

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By Senator King—

**SB 1652**—A bill to be entitled An act relating to unemployment compensation; amending s. 120.80, F.S.; exempting proceedings conducted by special deputies under chapter 443, F.S., from uniform rules of procedure; amending s. 443.071, F.S.; prohibiting establishing a fictitious employing unit for the purpose of receiving unemployment benefits; describing those acts that constitute prima facie evidence of establishing a personal benefit account and of claiming and receiving unemployment benefits; providing penalties; providing for access to certain investigative records; amending s. 443.091, F.S.; revising certain conditions of benefit eligibility; amending s. 443.1216, F.S.; clarifying powers of employee leasing companies in leasing officers and other workers to clients; restating types of employment exempt from coverage under chapter 443, F.S.; amending s. 443.1217, F.S.; providing applicability of guidelines for determining those wages subject to chapter 443, F.S.; amending s. 443.131, F.S.; redefining the term “total excess payments”; prescribing guidelines for transferring unemployment experience upon transfer or acquisition of a business; providing penalties for unlawful acts related to such transfer; amending s. 443.1317, F.S.; providing for an official seal for the Agency for Workforce Innovation; amending s. 443.151, F.S.; prescribing procedures with respect to untimely appeals; amending s. 895.02, F.S.; redefining the term “racketeering activity,” for purposes of the criminal statutes pertaining to that offense, to include creation of fictitious employer schemes to commit unemployment compensation fraud; providing effective dates.

—was referred to the Committees on Commerce and Consumer Services; Criminal Justice; and Transportation and Economic Development Appropriations.

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By Senator Fasano—

**SB 1654**—A bill to be entitled An act relating to veterinary drug distribution; amending s. 499.01, F.S.; requiring a veterinary drug distributor to obtain a permit from the Department of Health before distributing both veterinary legend drugs and certain human drugs permitted

by the department; amending s. 499.0121, F.S.; requiring a wholesale distributor of a prescription drug to provide the recipient of the drug with pedigree papers if such a drug is intended for sale to a human recipient; exempting drugs approved as human drugs sold directly to veterinarians from the pedigree-paper requirement; providing an effective date.

—was referred to the Committees on Regulated Industries; and Health Care.

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By Senator Fasano—

**SB 1656**—A bill to be entitled An act relating to interim rates for water or wastewater utilities; amending s. 367.082, F.S.; providing that if the Public Service Commission does not approve the full amount of the final rate requested by the utility, the utility may keep only a portion of the interim revenues collected; providing a method to determine the total interim revenues the utility may keep; requiring the utility to refund the balance of interim revenues to the customers of the utility; requiring the utility to refund all revenues collected if the commission does not approve a rate increase or if the commission decreases the rates of the utility; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; and Community Affairs.

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By Senator Fasano—

**SB 1658**—A bill to be entitled An act relating to the taxation of alcoholic beverages; amending s. 561.121, F.S.; deleting provisions crediting specified taxes on alcoholic beverages to accounts funding substance abuse programs for children and adolescents; terminating the Children and Adolescence Substance Abuse Trust Fund within the Department of Children and Family Services; providing for disposition of balances in and revenues of such trust funds; amending s. 215.20, F.S.; conforming provisions to the repeal of the trust fund; repealing s. 561.501(1), F.S., relating to a surcharge on alcoholic beverages sold for consumption on the premises; repealing 561.501, F.S., relating to the collection of the alcoholic beverage surcharge; repealing 561.121(4), F.S.; conforming provisions to the repeal of the alcoholic beverages surcharges; providing effective dates.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; Health and Human Services Appropriations; and Ways and Means.

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By Senators Fasano, Lawson and Baker—

**SB 1660**—A bill to be entitled An act relating to employee health care access; amending s. 627.6699, F.S.; revising standards for determining applicability of the Employee Health Care Access Act; prescribing acts that may be performed by an employer without being considered contributing to premiums or facilitating administration of a policy; providing an effective date.

—was referred to the Committee on Banking and Insurance.

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By Senator Fasano—

**SB 1662**—A bill to be entitled An act relating to insurance; amending s. 626.901, F.S.; revising an exception from the prohibition against representing or aiding unauthorized insurers; providing for immediate cease-and-desist orders for violations of the prohibition; providing legislative findings; authorizing investigations of activities that may constitute violations of the prohibition; amending s. 626.902, F.S.; providing an exception from penalty provisions for aiding an unauthorized insurer; amending s. 626.908, F.S.; providing conditions on defenses of certain actions against unauthorized insurers and persons representing or aiding them; prescribing a time limit on motions to quash or set aside

service of process in actions against such unauthorized insurers and other persons; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

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By Senator Peaden—

**SB 1664**—A bill to be entitled An act relating to contaminated dry-cleaning facilities; amending s. 376.3078, F.S.; providing that a dry-cleaning facility where an accident caused or exacerbated contamination is eligible for an exemption from liability; defining the term “accident”; providing an effective date.

—was referred to the Committees on Environmental Preservation; Judiciary; and General Government Appropriations.

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**Senate Resolutions 1666-1668**—Not referenced.

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By Senators Dockery and Pruitt—

**SB 1670**—A bill to be entitled An act relating to the Oceans and Coastal Resources Conservation and Management Act; creating part IV of ch. 161, F.S., consisting of ss. 161.70, 161.171, 161.72, 161.73, 161.74, 161.75, 161.76, 161.77, and 161.78, F.S.; providing definitions; establishing purposes; requiring the state agencies involved in protecting and managing the state’s oceans and coastal resources to encourage and support public-private partnerships and programs to preserve those resources; requiring coordination with federal agencies and programs; requiring that the Department of Environmental Protection and the Fish and Wildlife Conservation Commission establish the Florida Oceans and Coastal Science Work Group; establishing conservation and management goals; directing the work group to help develop and implement conservation and management goals; providing for membership of the work group; providing for the Secretary of Environmental Protection and the executive director of the Fish and Wildlife Conservation Commission to jointly chair the group; providing responsibilities of the work group; requiring that the department and commission prepare an oceans and coastal resource assessment for use by the work group; providing for contents of the assessment; requiring that the department and commission, in coordination with the work group, prepare a Florida Oceans and Coastal Scientific Research Plan that recommends research priorities; providing for annual updates of the plan; providing for distribution of the plan to the Legislature; creating the Florida Oceans and Coastal Restoration Program; requiring that the department and commission, in coordination with the work group and other appropriate agencies, develop priorities for restoration of the state’s oceans and coastal resources; creating the Florida Oceans and Coastal Sustainable-Use Program; requiring that the department and commission, in coordination with the work group, water management districts, and other appropriate agencies, develop a management framework to ensure sustainable use of the state’s oceans and coastal resources; requiring the department and commission to coordinate the activities of the work group, the Florida Oceans and Coastal Restoration Program, and the Florida Oceans and Coastal Sustainable-Use Program to ensure that the actions taken are complementary and not duplicative; authorizing rulemaking by the Department of Environmental Protection and the Fish and Wildlife Conservation Commission; preserving authority otherwise granted to the commission, water management districts, and state agencies; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; and General Government Appropriations.

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By Senator Lynn—

**SB 1672**—A bill to be entitled An act relating to termination of parental rights; amending s. 39.806, F.S.; providing that the parental rights of a person incarcerated in a state or federal correctional institution may be terminated if the period of time for which the parent has been and is

expected to be incarcerated will constitute a substantial portion of time before the child attains the age of 18 years; reenacting ss. 39.811(6) and 61.13(2)(b), F.S., relating to the circumstances for which the parental rights of a person may be terminated and shared parental responsibility, to incorporate the amendment made to s. 39.806, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Children and Families; and Judiciary.

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By Senator Miller—

**SB 1674**—A bill to be entitled An act relating to certified capital companies; amending s. 288.99, F.S.; expanding the types of investment that such companies may make to include certain low-income communities; defining the term “qualified investing entity”; providing guidelines for investments made by such an entity; revising certain investment requirements; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Banking and Insurance; Government Efficiency Appropriations; and Ways and Means.

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By Senator Wise—

**SB 1676**—A bill to be entitled An act relating to substance abuse services; creating s. 397.4161, F.S.; providing for certification of certain substance abuse services employees who provide certain client services; providing a directive to the Division of Statutory Revision; creating s. 397.755, F.S.; directing the Department of Corrections to create a substance abuse diversion program; providing eligibility criteria for the program; requiring judicial approval for entry to the program; requiring notice to the state attorney and the inmate’s counsel; providing a time limit for the judge to respond; directing the department to prepare a postrelease treatment plan; requiring the department to notify the judge before releasing the inmate into the community; requiring the inmate to abide by the order of supervision and the rules of the department; directing the department to provide special training to employees working in the program; authorizing the department to develop performance-based contracts to supply services to the program; permitting the department to establish a system of incentives to promote participation in rehabilitative programs; providing that this act does not confer any right to placement in the substance abuse diversion program; directing the department to track recidivism and recommitment of inmates who have participated in the program; requiring a report to the Governor and Legislature; authorizing rulemaking; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; Judiciary; Justice Appropriations; and Ways and Means.

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By Senator Alexander—

**SB 1678**—A bill to be entitled An act relating to public school class size; amending s. 1003.03, F.S.; revising provisions relating to determination of class size averages for purpose of compliance with class size maximums; providing for reversal of class size reduction operating categorical transfers under certain circumstances; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

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By Senator Klein—

**SB 1680**—A bill to be entitled An act relating to firefighters; creating s. 112.183, F.S.; providing that death or disability due to certain types of cancer suffered by a firefighter employed by the state or its political subdivisions is presumed accidental and suffered in the line of duty under certain conditions; authorizing purchase of insurance by local governments; providing criteria for physical exams for firefighters; requiring the employing agency to keep records and notify firefighters of

their reported exposure to known carcinogens; providing that firefighters employed on the effective date of the act need not comply with physical-examination requirements; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; and Ways and Means.

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By Senator Klein—

**SB 1682**—A bill to be entitled An act relating to elections; amending s. 101.048, F.S.; providing that provisional ballots may be cast for specified offices only; authorizing an elector to cast a provisional ballot in any precinct in the county of registration; creating s. 101.2401, F.S.; specifying the number of voting machines that must be provided; amending s. 101.5612, F.S.; requiring all vote-tabulating devices used in early voting to have been successfully tested before placement at early voting sites; amending s. 101.64, F.S.; requiring the supervisor of elections to determine and verify appropriate return postage for absentee ballots; prohibiting information identifying an absent elector’s party from being placed on the envelope in which the absentee ballot is delivered or returned; amending s. 101.65, F.S.; requiring absentee ballots to be marked in ink; requiring the amount of postage to return an absentee ballot to be included in the instructions to absent electors; amending s. 101.655, F.S.; revising procedures for absentee voting by residents of assisted living facilities and nursing homes; amending s. 101.657, F.S.; revising requirements for branch offices of the supervisor of elections to be used for early voting; providing for designation of additional early voting sites in government buildings; requiring a minimum number of early voting sites; stating hours during which early voting sites must be open; prescribing duties of supervisors of elections with respect to having sufficient workers at early voting sites and the repair or replacement of malfunctioning voting devices; amending s. 101.6921, F.S.; prohibiting information identifying an absent elector’s party from being placed on the envelope in which a first-time voter’s absentee ballot is delivered or returned; amending s. 102.031, F.S.; prohibiting all solicitation of voters within 50 feet of any entrance to a polling place; amending s. 104.0515, F.S.; requiring clerks and inspectors to inform law enforcement officers when persons are engaging in prohibited acts of interference with an election or intimidation of voters, regardless of the location of the acts; providing penalties; amending s. 101.5606, F.S.; revising a requirement and providing additional requirements for voting systems that may be approved by the Department of State; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; and Transportation and Economic Development Appropriations.

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By the Committee on Commerce and Consumer Services—

**SB 1684**—A bill to be entitled An act relating to consumer services; directing the State Technology Office to integrate additional features into the state’s official Internet website; requiring that the office solicit input from other state agencies; directing the State Technology Office to integrate information concerning the Florida 211 Network into the state’s official Internet website; amending s. 570.544, F.S.; designating the Division of Consumer Services within the Department of Agriculture and Consumer Services as the state clearinghouse for matters relating to consumer protection, consumer information, and consumer services; specifying the duties of the division with respect to coordinating with consumer services representatives of other state agencies; requiring the division to coordinate with the Agency for Health Care Administration for exchanging information relating to health and human services; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Governmental Oversight and Productivity; General Government Appropriations; and Ways and Means.

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By Senator Alexander—

**SB 1686**—A bill to be entitled An act relating to the Florida Self-Insurance Guaranty Association; amending s. 440.385, F.S.; requiring certain obligations of the association to be performed, specifically, by its board of directors; providing guidelines for evaluation of the financial

condition of employers and association members; providing for additional remedies in cases of financial extremity by employers; defining the term "insolvency"; revising powers and duties of the Department of Financial Services with respect to the association; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

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By Senator Atwater—

**SB 1688**—A bill to be entitled An act relating to trusts and other agency relationships; amending s. 711.501, F.S.; including additional investment instruments within the definition of the term "security account"; amending s. 737.402, F.S.; revising the powers conferred upon a trustee; amending s. 737.403, F.S.; specifying circumstances in which court authorization is not required for a trustee to exercise his or her power when a conflict of interest exists; amending s. 738.104, F.S.; revising the circumstances in which a trustee is prohibited from making an adjustment when such adjustment would benefit the trustee; clarifying the application of law pertaining to the trustee's power to adjust; amending s. 738.1041, F.S.; providing definitions governing certain trust conversions; revising method of determining fair market value; specifying consequences when a court determines that a fiduciary has not acted in good faith; providing for creating an express total return unitrust; amending s. 738.303, F.S.; defining the term "undistributed income" for purposes of a trust that is administered as a unitrust; amending s. 738.401, F.S.; providing guidelines for allocation of certain moneys received from targeted entities and investment entities; defining terms; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

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**SR 1690**—Not referenced.

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By Senator Baker—

**SB 1692**—A bill to be entitled An act relating to medical tort reform; creating s. 458.3175, F.S.; providing for out-of-state physicians to obtain an expert witness certificate upon approval by the Board of Medicine; authorizing the board to revoke an expert witness certificate under certain circumstances; requiring the board to adopt rules; providing a limit on the amount of the application fee for an expert witness certificate; providing for renewal; amending s. 458.331, F.S.; providing that false, deceptive, or misleading expert testimony related to the practice of medicine constitutes grounds for disciplinary action or denial of a license; creating s. 459.0066, F.S.; providing for out-of-state osteopathic physicians to obtain an expert witness certificate upon approval by the Board of Osteopathic Medicine; authorizing the board to approve or revoke an expert witness certificate under certain circumstances; requiring the board to adopt rules; providing a limit on the amount of the application fee for an expert witness certificate; providing for renewal; amending s. 459.015; providing that false, deceptive, or misleading expert testimony related to the practice of osteopathic medicine constitutes grounds for disciplinary action or denial of a medical license; amending s. 627.4147, F.S.; deleting a provision that requires a clause authorizing an insured health care professional to make or determine any offer of admission of liability and arbitration in a medical malpractice insurance contract; requiring a medical malpractice insurance contract to include a clause stating whether the insured health care professional has the exclusive right to veto any offer of admission of liability and for arbitration, settlement offer, or offer of judgment; amending s. 766.106, F.S.; requiring a claimant in an action for medical negligence to provide a prospective defendant with a medical release form that allows each prospective defendant to access the claimant's medical records and to interview, ex parte, the claimant's health care providers; providing an effective date.

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

By Senator Haridopolos—

**SB 1694**—A bill to be entitled An act relating to swimming pool/spa contractors and service technicians; amending s. 489.105, F.S.; revising the scope of work for commercial and residential pool/spa contractors and swimming pool/spa servicing contractors; removing licensure exemptions; defining and establishing provisional licensure for swimming pool/spa servicing contractors; amending s. 489.111, F.S.; removing the 1-year experience requirement to qualify to take the swimming pool/spa servicing contractors' examination; amending s. 514.075, F.S.; revising duties of the Department of Health; providing for public pools to be serviced by specified persons; revising certification requirements for public pool service technicians; providing an effective date.

—was referred to the Committees on Regulated Industries; Health Care; and General Government Appropriations.

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By Senator Haridopolos—

**SB 1696**—A bill to be entitled An act relating to immunizations; amending s. 400.426, F.S.; requiring assisted living facilities to implement a program to offer immunizations to residents against influenza viruses; amending s. 1003.22, F.S.; requiring each district school board and the governing authority of each private school to provide information concerning meningococcal disease and its vaccine to parents; requiring the Department of Health to adopt rules specifying the age or grade level of students for whom such information will be provided; requiring each district school board and the governing authority of each private school to determine the means and method for the provision of information regarding meningococcal disease to parents; providing an effective date.

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

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By Senator Bullard—

**SB 1698**—A bill to be entitled An act relating to driver license restrictions; amending s. 322.16, F.S.; restricting the number of certain passengers permitted in a vehicle operated by a person under a certain age; providing for exceptions; providing penalties; amending s. 318.14, F.S.; providing citation procedures for violation of said restrictions; amending s. 322.05, F.S.; providing for application of said restrictions to requirements for issuance of driver licenses; providing an effective date.

—was referred to the Committee on Transportation.

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By Senator Bullard—

**SB 1700**—A bill to be entitled An act relating to road designations; designating Roi Henri Christophe Boulevard and Charles Summer Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

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By Senator Bennett—

**SB 1702**—A bill to be entitled An act relating to teen courts; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing for administration by the clerk of the circuit court; authorizing the clerk of the court to retain a specified percentage of the assessments collected as income to the clerk of the court; requiring the teen court to account for all funds deposited into the teen court account; requiring an annual report to the board of county commission-

ers by a specified date; authorizing specified organizations to operate and administer a teen court program; providing an effective date.

—was referred to the Committees on Judiciary; Community Affairs; and Justice Appropriations.

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By Senator Klein—

**SB 1704**—A bill to be entitled An act relating to assistive technology; amending s. 413.407, F.S.; requiring the Assistive Technology Advisory Council to conduct certain activities required by federal law; revising the composition of the membership of the council; requiring that the council be made up of a majority who are persons with disabilities and who use assistive technology; deleting a provision requiring staggered terms of service; requiring the council to appoint a public policy and advocacy committee; providing an effective date.

—was referred to the Committees on Education; Commerce and Consumer Services; and Education Appropriations.

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By Senator Klein—

**SB 1706**—A bill to be entitled An act relating to scholarships for military personnel; amending s. 1009.534, F.S.; providing eligibility requirements for a member of Florida's military who served in the War in Afghanistan or the War in Iraq to receive a Florida Academic Scholars award; providing an effective date.

—was referred to the Committees on Education; Community Affairs; and Education Appropriations.

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By Senator Villalobos—

**SB 1708**—A bill to be entitled An act relating to juvenile detention; amending s. 985.215, F.S.; requiring juveniles who are committed to a maximum-risk residential program to be held in secure detention care until placement or commitment is accomplished; providing an effective date.

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

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By the Committee on Education—

**SB 1710**—A bill to be entitled An act relating to charter schools; amending s. 218.39, F.S.; requiring that a charter school be notified of certain deteriorating financial conditions; amending s. 1002.32, F.S.; clarifying that charter laboratory schools are included within provisions governing other developmental research schools; deleting obsolete provisions; amending s. 1002.33, F.S.; requiring sponsors of charter schools to implement specified policies and procedures by the effective date of the act; providing additional obligations of the sponsor; revising requirements for the sponsor in monitoring a charter school; requiring that the sponsor conduct an annual review of the charter school; requiring that the director and representative of the school's governing board appear before the sponsor under certain circumstances; providing duties of the chief executive officer of the sponsor; requiring that a charter school review its achievement after its first full year of operation and propose revisions to the charter for consideration by the district school board; requiring that the Department of Education conduct an annual survey of the governing boards of charter schools and report the results to the State Board of Education; revising application requirements; prohibiting a sponsor from approving an application unless it meets the requirements of the State Board of Education; requiring that the district school board notify the Department of Education of a denial of a charter application; deleting provisions providing for the review of certain disputes by the Charter School Appeal Commission; requiring that the department offer or arrange for training and technical assistance for applicants; decreasing the period provided for an applicant and sponsor to agree on the provisions of the charter; providing requirements for mediation; providing requirements for the application for a charter school;

revising provisions specifying issues for inclusion in a charter; requiring that a charter school file a financial-recovery plan with the district school board after a finding of a state of financial emergency; specifying circumstances under which the sponsor is required to not renew or to terminate the charter; providing requirements for the sponsor if the charter is terminated; requiring applicants for a charter school to register with the Department of Education; requiring that the department maintain certain information concerning charter schools; requiring the department to develop an annual financial report for use by charter schools, along with guidelines; providing reporting and monitoring requirements for the governing body of a charter school; requiring that the sponsor be an advocate for the charter school in matters relating to interpretations of the fire code; authorizing the State Board of Education to adopt rules and enforce the provisions governing charter schools; requiring that the department provide or arrange for the provision of specified assistance to potential applicants, sponsors, charter schools, and school district personnel; deleting provisions establishing the Charter School Review Panel; requiring the department to develop financial-management indicators for use by sponsors; requiring the department to include information concerning schools at risk in an annual report; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Education Appropriations; and Ways and Means.

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By Senator Bennett—

**SB 1712**—A bill to be entitled An act relating to state appropriations; redirecting appropriations for, or on behalf of the purpose of, the Scripps Florida Funding Corporation to the Medicaid medically needy program; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

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By Senator Bennett—

**SB 1714**—A bill to be entitled An act relating to communication services supplied by governmental authorities; defining terms related to communication services; prohibiting a governmental authority from providing a covered communication service; providing certain exceptions; authorizing a governmental authority that is supplying a covered service on a specified date to continue to supply the covered service to a subscriber; prohibiting a governmental authority from expanding its service area, adding new subscribers, or increasing covered services after a certain date; requiring a governmental authority to follow specific procedures if the governmental authority determines that there is an omitted service desired by its residents, that the service is not provided by a private provider, and that the governmental authority intends to provide the omitted service; requiring a governmental authority that provides a covered service to comply with certain applicable federal and state laws and regulations; prohibiting a governmental authority from requiring a person to use or subscribe to any covered service offered by the governmental authority; requiring a governmental authority to apply specified laws, ordinances, rules, and policies without discrimination; requiring a governmental authority to use revenues generated from a covered service in a specified manner; providing for severability; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Community Affairs; and General Government Appropriations.

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By Senator Klein—

**SB 1716**—A bill to be entitled An act relating to regional autism centers; amending s. 1004.55, F.S.; creating an additional regional autism center in the state; reducing the number of counties within the service areas of two existing regional autism centers; providing for con-

sistency in service delivery; requiring each constituency board to raise funds; providing a prohibition; providing an effective date.

—was referred to the Committees on Education; Children and Families; and Education Appropriations.

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**Senate Bills 1718-2142**—Not referenced.

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**SJR 2144**—Previously referenced.

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**Senate Bills 2146-2198**—Not referenced.

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By Senator Atwater—

**SJR 2200**—A bill to be entitled An act relating to constitutional amendments; expressing the legislative intent to propose amendments to the State Constitution; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

### COMMITTEE SUBSTITUTES

#### FIRST READING

By the Committees on Commerce and Consumer Services; Governmental Oversight and Productivity; and Senators Wise, Fasano, Haridopolos, Rich and Jones—

**CS for CS for SB 434**—A bill to be entitled An act relating to individuals with disabilities; amending s. 413.08, F.S.; providing definitions; providing that an individual with a disability has full and equal access to and enjoyment of public accommodations and state and local facilities, programs, services, and activities; providing that an individual with a disability may be accompanied by a service animal in places of public accommodation and in state and local facilities; directing that documentation that a service animal is trained may not be a precondition for providing service to an individual accompanied by a service animal; requiring that a service animal be given access to all areas of a government facility or public accommodation that the public or customers are normally permitted to occupy; prohibiting segregating an individual with a service animal from other customers or the public; prohibiting a public accommodation from imposing a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual; providing that an individual with a disability may be liable for damage caused by a service animal; providing that the animal's owner is responsible for the care and supervision of a service animal; providing that the public accommodation or government entity is not required to provide care or food or a special location for a service animal; providing that a public accommodation or government entity may exclude or remove any animal from the premises if the animal's behavior poses a direct threat to the health and safety of others; increasing certain penalties for violations of the act; providing that the trainer of a service animal has the same rights and privileges as a person with a disability while training the service animal; providing that a housing accommodation may request proof of compliance with vaccination requirements; amending s. 413.081, F.S.; conforming provisions to changes made by the act; providing an effective date.

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By the Committee on Education; and Senators King, Smith, and Dockery—

**CS for SB 528**—A bill to be entitled An act relating to the Trust Fund for University Major Gifts; amending s. 1011.94, F.S.; authorizing the Florida Board of Governors Foundation, Inc., to provide matching grants; providing duties of the Board of Governors; replacing references to the State Board of Education with references to the Board of Governors; deleting references to New College; deleting provisions that authorize encumbrances; requiring donations to support priorities established by a university's board of trustees; revising provisions that prescribe the

manner in which donations must be matched; revising provisions relating to donations that may be used to designate an Eminent Scholar Endowed Chair; requiring private donations to be expended for the direct benefit of the university or universities for which donated; providing a limit on the state's obligation for matching grants under unamended matching criteria; providing an effective date.

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By the Committee on Commerce and Consumer Services; and Senators Garcia and Fasano—

**CS for SB 572**—A bill to be entitled An act relating to consumer protection; amending s. 501.160, F.S.; providing criminal penalties for any person who fails to possess an occupational license and offers goods and services for sale to the public during a declared state of emergency; providing that this provision shall not apply to certain organizations; providing that failure to possess such a license constitutes reasonable cause to detain such person for a reasonable amount of time and in a reasonable manner; amending s. 252.36, F.S.; providing the Governor with certain emergency management powers; providing an effective date.

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By the Committee on Regulated Industries; and Senator Bennett—

**CS for SB 590**—A bill to be entitled An act relating to mold assessment and mold remediation; creating pt. IV of ch. 489, F.S.; providing legislative purpose; providing scope of the act; providing exemptions; defining terms; providing for fees relating to licensure of mold assessors and mold remediators; providing for licensure examinations; requiring good moral character; providing prerequisites to licensure; providing for the licensure of business organizations; providing for qualifying agents; providing for fees; providing responsibilities of primary and secondary qualifying agents and of financially responsible officers; establishing requirements for continuing education; requiring that the Construction Industry Licensing Board approve training courses and training providers for mold assessors and mold remediators; providing for assessing penalties; providing for renewal of licensure; providing for rulemaking; providing for reactivation of licensure; providing for disciplinary proceedings; establishing prohibitions; providing penalties; allowing the board to provide, by rule, for multiple services; providing presumptions in civil actions against persons or entities licensed under the act; providing severability; amending s. 489.107, F.S.; adding to the board a member who is a mold assessor or mold remediator; providing an appropriation and authorizing positions; providing an effective date.

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By the Committee on Education; and Senator Clary—

**CS for SB 664**—A bill to be entitled An act relating to acceleration mechanisms; amending s. 1002.20, F.S.; adding programs to list of public school choice options; amending s. 1002.23, F.S.; adding programs to list of rigorous academic programs included in parent guide; amending s. 1007.22, F.S.; adding Advanced International Certificate of Education programs to acceleration mechanisms requiring postsecondary institution collaboration; amending s. 1007.261, F.S.; revising list of courses of courses designated as advanced level fine arts courses; amending s. 1007.27, F.S.; providing an exemption from examination fees for students enrolled in the International General Certificate of Secondary Education Program; amending s. 1007.271, F.S.; specifying that dual enrollment courses are creditable toward high school graduation; revising instructional time requirements and providing for FTE calculation; conforming to law minimum academic credits required for graduation; clarifying requirements for participation of independent postsecondary institutions in a dual enrollment program; providing for fee exemption; amending s. 1009.531, F.S.; providing additional course weights for Florida Bright Futures Scholarship Program eligibility determination; amending s. 1009.534, F.S.; revising Florida Academic Scholars award eligibility requirements to include students completing or receiving an Advanced International Certificate of Education curriculum or diploma; amending s. 1009.535, F.S.; revising Florida Medallion Scholars award eligibility requirements to include students completing an Advanced International Certificate of Education curriculum; amending s. 1011.62, F.S.; providing for FTE calculation for dual enrollment instruction; revising Advanced International Certificate of Education test score requirements necessary to generate funding to match current test scoring

scale; providing formula for calculating additional full-time equivalent membership based on International General Certificate of Secondary Education examination scores and program completion; reenacting s. 1011.69(2), F.S., relating to equity in school-level funding; to incorporate the amendment to s. 1011.62, F.S., in a reference thereto; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Lynn—

**CS for SB 688**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; during a specified period of time, permitting local government employees who are members of the Senior Management Service Class, who have withdrawn from the Florida Retirement System, to elect membership in the defined benefit program or the public employee optional retirement program of the system; prescribing requirements in making such election; providing for payment of the costs of such membership; providing an effective date.

By the Committee on Children and Families; and Senator Wise—

**CS for SB 758**—A bill to be entitled An act relating to child protective investigations; amending s. 39.301, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect for purposes that adversely affect the interests of persons who are not identified as responsible for such abuse, abandonment, or neglect; amending s. 39.302, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect in institutional investigations for purposes that adversely affect the interests of persons not identified as responsible; providing circumstances under which the Department of Children and Family Services may rely on such information in a decision to renew or revoke a license; providing an effective date.

By the Committee on Regulated Industries; and Senators Haridopolos and Dockery—

**CS for SB 816**—A bill to be entitled An act relating to contraband and counterfeit cigarettes and the collection of existing taxes; providing additional regulatory and enforcement measures; amending s. 210.01, F.S.; revising and providing definitions; amending s. 210.021, F.S.; directing the Secretary of Business and Professional Regulation to require certain dealers and agents to remit the tax on cigarettes by certified check or electronic funds transfer; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to adopt rules governing the payment of taxes by electronic funds transfer; amending s. 210.06, F.S.; revising requirements for and limitations on the affixation of stamps; providing requirements with respect to receipt, possession, storage, and transport of unstamped cigarette packages; amending s. 210.08, F.S.; revising the amount of the surety bond, certificate of deposit, or irrevocable letter of credit required by the division as surety for the payment of cigarette taxes; providing for exceptions; creating s. 210.085, F.S.; requiring manufacturers, importers, distributing agents, dealers, and retail dealers to hold a current, valid permit to sell, distribute, or receive cigarettes; amending s. 210.09, F.S.; providing notice and filing guidelines for certain persons shipping unstamped cigarette packages; authorizing certain law enforcement officials to inspect certain shipping vehicles; providing for application to and records requirements of manufacturers and importers; amending s. 210.12, F.S.; authorizing the state to claim certain property and materials from certain dealers and retailers who attempt to defraud the state; authorizing the destruction of certain cigarettes; amending s. 210.15, F.S.; providing criteria for permit application; prohibiting issuance, maintenance, or renewal of certain permits for certain applicants; providing guidelines for permit application denial; amending s. 210.16, F.S.; revising the authority of the Division of Alcoholic Beverages and Tobacco to revoke or suspend the permits of certain persons under certain circumstances; revising a penalty period for revoked permits; increasing a civil penalty; amending s. 210.18, F.S.; expanding the group of violators subject to criminal liability; prohibiting the sale or possession for sale of counterfeit cigarettes; providing penalties; requiring that the seizure of unstamped cigarettes be reported to the division; requiring the division to keep records concerning seized unstamped cigarettes; creating s. 210.181, F.S.; providing civil penalties for failure to comply with certain

duties or pay certain taxes; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to crimes constituting a “criminal activity” and definitions as used in the Florida RICO Act, to incorporate the amendment to s. 210.18, F.S., in references thereto; providing an effective date.

By the Committee on Domestic Security—

**CS for SB 1062**—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; requiring that the Department of Law Enforcement establish a waiver process for allowing an individual, who is otherwise unqualified, to be allowed unescorted access to a seaport or restricted access area; requiring that the administrative staff of the Parole Commission review the facts of the waiver application and transmit the findings to the Department of Law Enforcement; requiring the department to make a final disposition of the application and notify the applicant and the port authority that denied employment to the applicant; exempting the review from ch. 120, F.S.; creating s. 311.121, F.S.; authorizing the seaport authority or governing board of certain seaports to require that seaport security officers receive additional training and certification; providing eligibility requirements for such certification; creating the Seaport Security Officer Qualifications, Training, and Standards Steering Committee to develop the curriculum for the training program; providing for the membership of the steering committee; requiring the Department of Education to implement the training curriculum; authorizing the substitution of training equivalencies; requiring an examination; providing requirements for certification renewal; providing requirements for schools that offer training for seaport security officers; providing for issuance of a license indicating that the licensee is certified as a seaport security officer; creating s. 311.122, F.S.; authorizing a seaport security officer to take into custody any person whom the officer has cause to believe is trespassing in a restricted access area; providing that such officer is not criminally or civilly liable for taking such action; creating s. 311.123, F.S.; requiring that the Florida Seaport Transportation and Economic Development Council, in conjunction with the Department of Law Enforcement and the Governor’s Office of Drug Control, create a maritime domain awareness training program; providing purposes of the program; providing requirements for the curriculum; providing an effective date.

By the Committee on Children and Families; and Senators Campbell and Dawson—

**CS for SB 1090**—A bill to be entitled An act relating to mental health care services for minors and incapacitated persons; amending s. 39.407, F.S.; specifying requirements for the Department of Children and Family Services with respect to providing psychotropic medication to a child in the custody of the department; requiring that the prescribing physician attempt to obtain express and informed parental consent for providing such medication; authorizing the department to provide psychotropic medication without such consent under certain circumstances; requiring the department to provide medical information to a physician under certain circumstances; requiring that the child be evaluated by a physician; requiring that the department obtain court authorization for providing such medication within a specified period; providing requirements for a motion by the department seeking court authorization to provide psychotropic medication; specifying circumstances under which medication may be provided in advance of a court order; requiring that a hearing be held on the motion to provide psychotropic medication to a child under certain circumstances; specifying the required burden of proof with respect to evidence presented at the hearing; requiring that the department provide a child’s medical records to the court; providing requirements for court review; authorizing the court to order the department to obtain a medical opinion; requiring that the department adopt rules to ensure that children receive appropriate psychotropic medications; specifying the provisions to be included in the rules; conforming a cross-reference; amending s. 394.459, F.S., relating to the rights of patients under the Florida Mental Health Act; revising provisions requiring that a patient be asked to give express and informed consent before admission or treatment; requiring that additional information be provided with respect to the risks and benefits of treatment, the dosage range of medication, potential side effects, and the monitoring of treatment; clarifying provisions governing the manner in which consent may be revoked; requiring that facilities develop a system for investigating and responding to certain complaints; amending s. 743.0645, F.S.; redefining the term “medical care and treatment” for purposes of obtaining

consent for the medical treatment of a minor; providing an exception with respect to the consent provided under s. 39.407, F.S.; providing an effective date.

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By the Committee on Transportation; and Senator Crist—

**CS for SB 1130**—A bill to be entitled An act relating to the abandonment of roads; amending s. 316.006, F.S.; conforming a cross-reference; transferring and renumbering s. 316.00825, F.S., relating to a county’s authority to close and abandon roads and rights-of-way and convey the county’s interest to a homeowners’ association; providing an effective date.

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By the Committee on Domestic Security; and Senator Diaz de la Portilla—

**CS for SB 1228**—A bill to be entitled An act relating to emergency preparedness; amending s. 1006.07, F.S.; revising guidelines governing district school board duties relating to emergency management and emergency preparedness; providing requirements for the number and type of emergency drills that each school must conduct; providing an effective date.

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By the Committee on Children and Families; and Senator Margolis—

**CS for SB 1246**—A bill to be entitled An act relating to older adults involved in the criminal justice system; creating a workgroup to study the involvement of older adults in the criminal justice system; requiring the workgroup to identify the incidence of older adults experiencing a deteriorating mental condition who come into contact with the criminal justice system; requiring that the workgroup identify the services being provided or which are needed by older adults; providing for the membership of the workgroup; providing for the members of the workgroup to receive reimbursement for travel and per diem expenses; requiring that the Secretary of Elderly Affairs, or his or her designee, act as chairperson of the workgroup and provide for staff support; requiring that the Department of Elderly Affairs report to the Legislature by a specified date; providing an appropriation; providing an effective date.

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By the Committee on Regulated Industries—

**CS for SB 1308**—A bill to be entitled An act relating to the Florida Clean Indoor Air Act; amending s. 386.203, F.S.; defining the term “person” for purposes of the act; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending ss. 386.2045 and 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming cross-references; providing a penalty for a licensee who knowingly makes a false statement on an annual compliance affidavit; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

By the Committee on Regulated Industries—

**CS for SB 1310**—A bill to be entitled An act relating to the tax on cigarettes; amending s. 210.021, F.S.; directing the Secretary of Business and Professional Regulation to require certain dealers and agents to remit the tax on cigarettes by certified check or electronic funds transfer; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to adopt rules governing the payment of taxes by certified check or electronic funds transfer; amending s. 210.08, F.S.; revising the amount of the surety bond, certificate of deposit, or irrevocable letter of credit required by the division as surety for the payment of cigarette taxes; providing for exceptions; amending s. 210.18, F.S.; requiring that the seizure of unstamped cigarettes be reported to the division; requiring the division to keep records concerning seized unstamped cigarettes; providing an effective date.

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By the Committee on Banking and Insurance; and Senator Garcia—

**CS for SB 1486**—A bill to be entitled An act relating to property insurance; amending s. 627.701, F.S.; providing that the requirement for a hurricane deductible to apply on an annual basis applies to personal lines residential property insurance policies; requiring insurers that provide commercial residential property insurance to offer alternative hurricane deductibles that apply on an annual basis or to each hurricane; providing an effective date.

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By the Committee on Banking and Insurance; and Senators Garcia and Margolis—

**CS for SB 1508**—A bill to be entitled An act relating to life insurance and annuity contracts; amending s. 624.402, F.S.; providing that a certificate of authority is not required of insurers domiciled outside the United States for certain life insurance policies or annuity contracts covering only persons who are not residents of the United States and are not nonresidents illegally residing in the United States; providing criteria, requirements, and limitations; requiring the insurer to disclose certain information; providing for the Office of Insurance Regulation to determine when the insurer is no longer eligible for the exemption; providing an exemption from certain taxes; requiring life insurance applications and policies and annuity contracts to provide certain disclosure statements; specifying application of certain provisions to single-premium life insurance policies and single-premium annuity contracts issued to certain nonresidents; providing an effective date.

## 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 order the area cleared.

**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 Chair 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**

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

(2) 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**

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

(2) 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.

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

(4) 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—Election of the Secretary of the Senate**

(1) The Senate shall elect 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.

(2) 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 (1st) 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**

- (1) The Secretary shall prepare a daily calendar that shall set forth:
  - (a) The order of business;
  - (b) The committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute;
  - (c) The status of each bill, i.e., whether on second (2nd) or third (3rd) reading;
  - (d) Notices of committee meetings; and
  - (e) Notices of meetings required pursuant to Rule 1.44.

(2) 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 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**

(1) 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 appropriate committees for research and summary. Special notice of the summaries shall be given to each Senator.

(2) 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 (1) 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. In the event of a vacancy in office, and until that vacancy is filled, a transitional period with pro rata salary for staff may be approved by the President to close out the vacant 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 hours of employment set by the President. Part-time employees and Senators' district staff 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 employees 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.

**1.36—Improper influence**

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

**1.361—Solicitation or acceptance of contributions; registration and disclosure requirements**

(1) During any regular legislative session, extended session, or special session, a Senator may not directly or indirectly solicit, cause to be

solicited, or accept any contribution on behalf of either the Senator's own campaign, any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, any political committee, any committee of continuous existence, any political party, or the campaign of any candidate for the Senate; however, a Senator may contribute to the Senator's own campaign.

(2) Any fundraising activity otherwise prohibited during an extended or special session by section (1) shall not be considered a violation of this rule and may take place provided that it can be shown that the event was already scheduled prior to the issuance of the proclamation, resolution, or other communiqué extending the session or convening a special session.

(3) Any Senator who directly or indirectly solicits, causes to be solicited, or accepts any contribution on behalf of any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, any political committee, or any committee of continuous existence must immediately disclose such activity to, and register with, the Committee on Rules and Calendar. However, no registration is required as a result of a Senator's solicitation or acceptance of contributions on behalf of his or her own campaign, a campaign for any office other than Senator, or a political party. Upon registration with the committee, the Senator shall immediately create a public website that contains a mission statement for such organization and the names of the Senators associated with that organization. All contributions received by the organization must be individually disclosed on the website within ten (10) business days of deposit. All expenditures made by the organization must be individually disclosed on the website within ten (10) business days of being made.

(4) Upon a determination that a Senator has violated this rule, the President shall remove such Senator from all assigned committees subject to the right of appeal under Rule 1.5(2).

### 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

(1) Any person may file a sworn complaint with the Chair 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 chair that there are sufficient grounds for review, the complaint shall be referred either to the committee or, at the option of the chair, 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 chair as soon as practicable after the close of the hearing. The committee's report and recommendation shall be made as soon as practicable.

(2) 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

(1) All meetings at which legislative business is discussed between more than two (2) members of the legislature shall be open to the public except:

- (a) At the sole discretion of the President of the Senate, after consultation with appropriate law enforcement, public health, emergency management and/or security authorities, those portions of meetings of a select committee, committee, or subcommittee, concerning measures to address security, espionage, sabotage, attack and other acts of terrorism.
- (b) 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.

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

(3) 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

(1) 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:

- (a) 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);
- (b) Meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee; and
- (c) Meetings called by the President or the President's designee, of a majority of the chairs of the Senate's standing committees.

(2) Notices of meetings required by Rule 1.44(1) 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.

(3) In the event the times required for notice under Rule 1.44(1) are not sufficient to permit publication in a daily or interim calendar, the Secretary shall post a copy of each such notice 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.

(4) 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 a 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.

#### 1.441—Constitutional requirements concerning open meetings

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

(2) All prearranged gatherings, between more than two (2) 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.

(3) 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 by, maintained by, or available to, any Senate standing committee or subcommittee appointed for the analysis of legislative and congressional redistricting plans.

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

(1) 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.

(2) 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 Legislative Library Division: 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.

(3) 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.

(4) 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 Legislative Library Division. Records not transferred may be otherwise disposed of or destroyed.

(5) 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 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.

(6) 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.

(7) 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.

(8) The following public records are exempt from inspection and copying:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) Records prepared for or used in executive sessions of the Senate until ten (10) years after the date on which the executive session was held.
- (g) 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 committees' 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.
- (h) 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.

- (i) 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.

(9) 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.

(10) For purposes of this Rule, "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.

(11) All records, research, information, remarks, and staff work products, made or received during or in preparation for a closed meeting of a select committee, committee, or subcommittee, shall be confidential and exempt from inspection and copying for a period of 30 days after the closed meeting, at which time they will automatically become legislative public records open to inspection and copying, unless the confidentiality and the prohibition against inspection and copying has, within the 30-day period, been extended by the President of the Senate. Unless the above-listed confidential and exempt items have been earlier released by operation of this Rule, they shall automatically become available for public inspection and copying five years after the date of the closed meeting, unless this confidentiality and exemption is further extended by the President of the Senate for subsequent five-year periods.

#### 1.45—Violations of Rules on open meetings and notice

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

### RULE TWO

#### COMMITTEES, OFFICERS, MEMBERS, VOTING, MOTIONS, DECORUM, AND DEBATE

#### PART ONE—COMMITTEES—ORGANIZATION, DUTIES, AND RESPONSIBILITIES

##### 2.1—Standing committees; standing subcommittees

(1) 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 standing committees and standing subcommittees, provided that each standing committee shall consist of not fewer than five (5) members.

- (a) Agriculture
- (b) Banking and Insurance
- (c) Children and Families
- (d) Commerce and Consumer Services
- (e) Communications and Public Utilities
- (f) Community Affairs
- (g) Criminal Justice
- (h) Domestic Security
- (i) Education
- (j) Education Appropriations
- (k) Environmental Preservation
- (l) Ethics and Elections
- (m) General Government Appropriations
- (n) Government Efficiency Appropriations
- (o) Governmental Oversight and Productivity

- (p) Health and Human Services Appropriations
- (q) Health Care
- (r) Judiciary
- (s) Justice Appropriations
- (t) Regulated Industries
- (u) Rules and Calendar
  - 1. Subcommittee on Special Order Calendar
- (v) Transportation
- (w) Transportation and Economic Development Appropriations
- (x) Ways and Means

(2) Each standing committee or the chair thereof, with prior approval of the President, 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 and the Secretary of the Senate shall be promptly notified of the appointment of a select subcommittee, its 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 regulating standing subcommittees, except that a select subcommittee shall exist only for the time necessary to complete its assignment and report to its standing committee, and not to exceed thirty (30) days. The advisory report by a select subcommittee whether favorable or unfavorable shall be reviewed by the standing committee and accepted, amended, or rejected by majority vote of those committee members present.

##### 2.2—Powers and responsibilities of committees

(1) 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.

(2) 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.

(3) In order to carry out the committee's duties, the chair 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 chair. 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

(1) Before a regular session of the Legislature convenes, each standing committee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and file same with the President of the Senate and the Secretary of the Senate.

(2) Before a regular session of the Legislature convenes, each standing subcommittee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and submit same to the chair of the standing committee for consideration by such committee.

(3) 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

(1) 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 (2) legislative days preceding and the day of such committee meeting.

(2) 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 chair of the committee or subcommittee or, in his or her absence, the vice-chair while the Senate is in session and the posting of a notice in the public corridor leading to the Senate Chamber for at least four (4) hours in advance of the meeting.

(3) The chair of a standing committee, standing subcommittee, or select committee, or in his or her absence, the vice-chair, 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.

(4) At least seven (7) days prior to the meeting of a standing committee, standing subcommittee, or select committee, while the Legislature is not in session, a notice of the meeting, stating 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, shall be filed with the Secretary of the Senate. The Secretary shall give notice to the membership and the public.

#### 2.7—Bills recommitted

(1) 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.

(2) 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 meeting; publication

For publication in the daily calendar, notice of standing committee, standing subcommittee, or select committee 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. Meeting notices shall appear in the daily calendar.

#### 2.9—Committee meetings; committee meetings after fiftieth (50th) day

(1) 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.

(2) The Committee on Rules and Calendar 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 7:00 p.m. This scheduling shall not limit the powers of the chair of a standing committee or subcommittee as provided in these Rules.

(3) 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 in the public corridor leading into the Senate Chamber. The committee chair may arrange with the Chair of the Committee on Rules and Calendar for evening or other special meetings; and during interim committee meetings, the Chair of the Committee on Rules and Calendar may also authorize committees to schedule noticed meetings until 9:00 p.m. 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 any other representative having written permission to speak for the bill. However, Senate committee staff shall be limited to presenting committee bills at committee meetings.

#### 2.12—Order of business

(1) Bills shall be considered in the order appearing in the notice required by these Rules, except that the chair 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.

(2) A bill shall be considered out of its order on the committee agenda on unanimous consent of those committee members present obtained in the following manner: Prior to consideration of the motion, the Senator moving for unanimous consent of those committee members 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 committee members 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 chair 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—Repealed

#### 2.15—Standing committee duties in deliberation

(1) 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 (2) 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 a two-thirds (2/3) vote of those Senators present in session.

(2) Such reports shall also reflect:

- (a) The time and place of the meeting at which the action was taken, and
- (b) 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 relating to the time and place of the meeting or the vote of each member on the motion to report a measure. Reports of committees shall be preserved pursuant to law.

(3) 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). 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 (1st) 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 (1st) 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 cosponsored by a Senator whose signature is affixed to the original. A Senate committee may not recommend a Senate committee substitute for a House bill.

(4) All standing committee reports shall be signed by the chair or, in his or her absence, the vice-chair 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 (2nd) 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

(1) It shall be the duty of standing subcommittees to report all measures referred to them directly to the full 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 amendment(s),
- (c) Favorably with committee substitute as defined in these Rules, or
- (d) Unfavorably.

(2) Such reports shall also reflect:

- (a) The time and place of the meeting at which the action was taken, and
- (b) The vote of each member of the subcommittee on the motion to report each bill or resolution.

(3) In reporting a bill to the full standing committee, a standing subcommittee may draft a new measure, embracing the same general subject matter, to be returned to the full 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 full standing committee in the same manner as a favorable report.

(4) All standing subcommittee reports shall be signed by the chair or, in the chair's absence, the vice-chair and shall be made on forms pre-

scribed 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.

(5) 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 those standing 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.

(6) When a bill with a favorable report by a standing subcommittee is considered by the standing committee, no additional testimony shall be permitted except by a two-thirds (2/3) vote of those standing committee members present before final action is taken; however, debate by members of the standing committee shall be allowed.

#### 2.17—Quorum of committee

A standing committee, standing subcommittee, or select committee is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. No committee business of any type shall be conducted in the absence of a quorum. 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—Repealed

#### 2.19—Conference committee in deliberation

(1) 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. A meeting of the Senate and House conferees is a meeting of the two groups, therefore, the rules governing each respective house apply. 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) hours in advance of the meeting, and after the fiftieth (50th) 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.

(2) 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.

(3) 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 deleting 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.

(4) 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.

(5) 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:

- (a) 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);

- (b) Meetings of a majority of the members of any subcommittee of the conference committee;
- (c) 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
- (d) 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.

(6) Notice of meetings, as scheduled, between the chair of the Senate's conferees with the chair of the House's conferees, or between respective Senate and House committee chairs with each other, shall be posted in the public corridor leading to the Senate Chamber. In the case of the appropriations conference, said notice shall also be posted outside the door of the office of the Committee on Ways and Means.

(7) 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.

(8) 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.

(9) 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 *State 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 Chair and Vice-Chair**

A chair and a vice-chair 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 chair for each standing subcommittee and select committee authorized by these Rules and may designate a vice-chair, both of whom shall continue in office at the pleasure of the President.

**2.21—Calling committee to order**

The chair or, in the chair's absence, the vice-chair, 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. No committee business of any type shall be conducted in the absence of a quorum.

**2.22—Chair's control**

The chair or vice-chair 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 chair or vice-chair may require participants in the disturbance to clear the room.

**2.23—Chair's authority; appeals**

The chair shall sign all notices, vouchers, subpoenas or reports required or permitted by these Rules. The chair shall decide all questions of order, subject to an appeal by any Senator, and the appeal shall be certified by the chair 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 chair 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—Chair, Vice-Chair; vote**

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

**2.25—Temporary alternate to Chair**

The chair 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 chair's absence and/or omission to make such appointment, the vice-chair shall act during his or her absence.

**2.26—Vice-Chair's duties**

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

**PART THREE—COMMITTEES—MEMBERS**

**2.27—Members' attendance, voting, proxy**

(1) 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.

(2) The chair 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.

(3) 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 chair of the committee, shall constitute automatic withdrawal from the committee.

(4) 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**

(1) The chair 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 two (2) members the chair shall count the yeas and nays. When the committee shall be equally divided, the question shall be lost.

(2) 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 committee members 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 chair 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 chair. 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 chair, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the chair, 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**

(1) When a question is under debate, the chair shall receive no motion except:

- (a) To rise
- (b) To take a recess
- (c) To reconsider
- (d) To limit debate
- (e) To temporarily postpone
- (f) To postpone to a day certain
- (g) To commit to a select subcommittee
- (h) To amend

which shall have precedence in the descending order given.

(2) The chair shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) 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 committee members 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 members 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, proposed committee substitutes, and proposed committee bills; form, notice, manner of consideration**

(1) No amendment or proposed committee substitute to any measure, or no proposed committee bill on any committee agenda, which was prepared prior to the committee meeting at which it is offered, shall be considered by that committee unless the amendment, proposed committee substitute, or proposed committee bill was filed with the committee administrative assistant at least twenty-four (24) hours prior to the noticed meeting time. For the purpose of this rule, office hours are Monday through Friday, 8:00 a.m. - 5:00 p.m. Copies of such amendment(s), proposed committee substitute(s), or proposed committee bills shall be made reasonably available by the committee administrative assistant before the meeting to the members of the committee and to the public.

- (a) Subsequent to distribution of all timely filed amendments, amendments to amendments or substitute amendments may be filed to any measure to which an amendment was timely filed. Such amendments may be filed with the committee administrative assistant until two (2) hours prior to the noticed meeting time.
- (b) Subsequent to distribution of all timely filed proposed committee substitutes and proposed committee bills, amendments, amendments to amendments, or substitute amendments to any proposed committee substitute or proposed committee bill may be filed with the committee administrative assistant until two (2) hours prior to the noticed meeting time.
- (c) After the first fifty (50) days of any regular session, an amendment or proposed committee substitute to any measure prepared prior to a committee meeting at which it is offered shall be filed with the committee administrative assistant at least two (2) hours prior to the noticed meeting time.
- (d) The consideration of any amendment or proposed committee substitute not timely filed in accordance with this rule, including any filed during a committee meeting in which it is to be offered, requires a two-thirds (2/3) vote of those committee members present. These time requirements do not apply to a committee's recommendation during a meeting to make a committee substitute which is merely a combination of the noticed bill(s) and amendment(s).

(2) 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 chair to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chair 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**

(1) 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:

- (a) Amendments to the amendment are acted on before the substitute is taken up.
- (b) Amendments to the substitute are next voted on.
- (c) The substitute then is voted on.

(2) 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 chair, 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 Chair” 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—Chair’s power to recognize

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

#### 2.47—Interruptions; when allowed

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

- (a) Rising to a question of privilege;
- (b) Rising to a point of order requiring an immediate ruling;
- (c) Rising to appeal a decision of the chair concerning a point of order (if the appeal is made immediately following the decision);
- (d) Rising to make a parliamentary inquiry requiring an immediate reply; or
- (e) Rising to question the existence of a quorum.

(2) The chair shall strictly enforce this Rule.

#### 2.48—Speaking rights

(1) When a member is speaking and another member interrupts to request recognition, the chair 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.

(2) 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 committee members 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 committee members present, the debate shall be limited accordingly. The time allotted by such limitation shall be apportioned by the chair.

#### 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 chair is by appeal. An appeal from a decision of the chair 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 chair. This second (2nd) decision is also subject to appeal.

#### 2.54—Appeals debatable

An appeal from a decision of the chair 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

(1) All bills shall contain a proper title, as defined in Article III, Section 6 of the *State 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.

(2) 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 chair, enough of the title for identification.

(3) 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 *State Constitution* shall contain the full text of the section to be amended.

(4) In general bills and joint resolutions that propose to create or amend existing provisions of the *Florida Statutes*, *Laws of Florida*, or the *State 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.

(5) 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.

(6) 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.

(7) 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 *State 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 *State 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 *State 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

(1) All Senate resolutions and all concurrent resolutions shall contain a proper title, as defined in Article III, Section 6 of the *State 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."

(2) 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—Bill filing deadline during regular session; bill filing between regular sessions

(1) To facilitate processing and committee referencing, all bills (except for the general appropriations bill, local bills, Senate resolutions, and joint resolutions) shall be filed for introduction with the Secretary of the Senate no later than 12:00 noon of the first (1st) day of the regular session.

(2) 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 each bill to provide identity and control until a permanent number can be affixed.

(3) Between regular sessions of the Legislature, bills may be filed by delivery to the Secretary of the Senate.

### 3.8—Filed bills; consideration between regular sessions

(1) A filed 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.

(2) 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 first

(1st) or only committee of reference. A copy of each filed bill shall be provided each Senator. The Secretary shall provide regularly to each Senator a calendar of all filed bills, including the referencing data for each bill, and of all committee hearings, including the bills noticed for hearing by each.

(3) 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 *State 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.

(4) If a committee fails to deliver its report of a filed bill prior to seven (7) days next preceding the convening of a regular session or, if a filed bill has received a reference to more than one (1) committee and fewer 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 filed prior to the first (1st) day of the regular session.

(5) Notwithstanding these Rules, a Senator may, during the day of introduction of filed bills, but no later than under the Order of Business of "Motions Relating to Committee Reference" on the second (2nd) 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 Senators present. Prior to the introduction of a bill on the first (1st) day of the regular session, a Senator may give written notification to the Secretary of the Senate to withdraw his or her bill from further consideration of the Senate.

### 3.9—Copies of bills

When introduced, bills, not local in application, and joint resolutions (including committee bills and committee substitute bills) shall be published by the Secretary for the information of the Senate and the public. The absence of a published 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 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 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 with even numbers 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 any 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 (2nd) or third (3rd) 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 Senators present, provided the House measure is on the same reading; otherwise, the motion shall be to waive the Rules by a two-thirds (2/3) vote of those Senators 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; introducers no longer Senators**

(1) 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 chair 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 Ways and Means.

(2) A bill introduced solely by a Senator who will not be a Senator at the next regular session of the Legislature shall be deemed withdrawn from further consideration of the Senate.

**3.13—Fiscal notes**

(1) 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.

(2) 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.

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

(4) 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 7:00 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**

- (1) The Daily Order of Business shall be as follows:
  - (a) Roll Call
  - (b) Prayer
  - (c) Pledge of Allegiance to the Flag of the United States of America
  - (d) Reports of Committees
  - (e) Motions Relating to Committee Reference
  - (f) Messages from the Governor and Other Executive Communications
  - (g) Messages from the House of Representatives
  - (h) Matters on Reconsideration
  - (i) Consideration of Bills on Third (3rd) Reading
  - (j) Special Order as determined by the Committee on Rules and Calendar
  - (k) Consideration of Bills on Second (2nd) Reading
  - (l) Correction and approval of Journal

(2) 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.

(3) 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.

(4) First (1st) reading of bills shall be accomplished by publication of the title thereof in the Journal pursuant to Article III, Section 7 of the *State Constitution*.

(5) Except by unanimous consent of those Senators present in session, no bill shall be considered by the Senate if the bill or a companion measure has not been first reported favorably by at least one (1) Senate committee.

**4.4—Committee of the Whole**

By a majority vote of those Senators 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 committee members 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 by a two-thirds (2/3) vote of those committee members 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 *State 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**

(1) 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 (2nd) 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.

(2) 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.

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

**4.6—Reference generally**

(1) All bills, including those that are strictly local in nature, shall be referred by the President to appropriate committees and standing subcommittees.

(2) 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.

(3) When the Legislature is not in session, the President may change or correct a bill reference. Notice shall be given to the Secretary of the Senate and the bill sponsor.

(4) If the President has not previously designated a standing subcommittee of reference, the chair 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 chair. The chair, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chair 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.

(5) The reference of a bill that appears to be local in nature shall be to the Committee on Rules and Calendar to determine whether such measure is local in nature for reference purposes and whether it responds to the legal requirements of a local bill.

(6) A bill is local in nature for referencing purposes if it does not substantially alter a law of general application throughout the state and it either affects no more than one (1) county or relates to a special district that is located wholly within no more than two (2) counties.

(7) When the Committee on Rules and Calendar, through staff analysis, has determined that the bill is not local in nature for referencing purposes, the committee shall report such determination to the President of the Senate, who shall refer such bill to an appropriate standing committee for hearing. Such report shall be made within fifteen (15) legislative days from date of reference to the Committee on Rules and Calendar. When the Committee on Rules and Calendar, through staff analysis, has determined that a bill is local in nature for referencing purposes and that it responds to the legal requirements of a local bill, the bill shall be reported and referred to the calendar on local bills.

#### **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 by a two-thirds (2/3) vote of those Senators present. If a committee reports a bill favorably with committee substitute, 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 or tax revenue shall be reviewed by the Committee on Ways and Means or any other appropriate committee. All bills substantially affecting a state-funded or state-administered retirement system shall be reviewed by the Committee on Governmental Oversight and Productivity. All bills which are affected by the provisions of Article VII, Section 18 of the *State Constitution* shall be reviewed by the Committee on Community Affairs. A bill that is amended to substantially affect appropriations or tax revenue, a state retirement program, or expenditures or revenues as set forth in Article VII, Section 18 of the *State Constitution* shall, before being placed before the Senate for final passage, be reviewed along with all amendments by the Committee on Ways and Means or any other appropriate committee for recommendation to the Senate, which review during the last ten (10) days of a regular session shall be accomplished within twenty-four (24) hours.

#### **4.81—Claim bills**

(1) Claim bills are of two (2) types: excess judgment claims filed pursuant to section 768.28(5), *Florida Statutes*, and equitable claims filed without an underlying excess judgment.

(2) 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, except that members elected to the Senate during a general election may have sixty (60) days from the date of that election to file a claim bill(s). Senators currently serving who are re-elected during a general election are not subject to the immediately preceding provision relating to sixty (60) days. 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 a two-thirds (2/3) vote of those Senators present.

(3) All claim bills shall be referred by the President to one (1) or more committees 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.

(4) 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.

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

(6) The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted; except that the hearing and consideration of a claim that is still within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement.

#### **4.9—Reference of resolutions**

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 nonpolitical 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 nonpolitical significance, may be shown as introduced, read, and adopted by publication in full in the Journal.

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

When the President has referred a bill, the Chair of the Committee on Rules and Calendar may move for reference to a different committee or for removal from any committee after the sponsor of the bill has filed a request with the Rules Chair signed by the chair of the affected committee, the Chair of the Committee on Rules and Calendar, and the President. This motion may be adopted by a two-thirds (2/3) vote of those Senators 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 Senators 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 decided otherwise by a two-thirds (2/3) vote of those Senators present as provided in Article III, Section 7 of the *State Constitution*.

**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 decided otherwise by a two-thirds (2/3) vote of those Senators present. If the reading on the second (2nd) day is dispensed with by this waiver, the concurrent resolution or memorial may be read the second (2nd) 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 nonpolitical significance may be shown as introduced, read, and adopted by publication in full in the Journal.

**4.15—Referral or postponement on third (3rd) reading**

On the third (3rd) reading of a bill or joint resolution, it shall not be referred or committed (except to the Committee on Ways and Means) or amended (except a corrective or title amendment) except by a two-thirds (2/3) vote of those Senators present, nor shall the vote on passage be postponed to a day certain without the consent of a majority of those Senators 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 Senators present obtained in the following manner: Prior to the consideration of the motion, the Senator moving for unanimous consent of those Senators 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 Senators present shall be given or refused without further debate.

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

(1) Commencing on the first (1st) day of a regular session of the Legislature permitted under the *State Constitution* and during any extension directed by the membership of the Legislature as permitted under the *State Constitution*, the Special Order Calendar Subcommittee of the Committee on Rules and Calendar, consisting of the Chair of the Committee on Rules and Calendar, the Vice-Chair of the Committee on Rules and Calendar, the Majority Leader, the Minority Leader, and two (2) other members of the committee designated by the chair, shall on each day submit a Special Order Calendar determining the priority for consideration of bills. Except for the first (1st) day, each Special Order Calendar shall be for the second (2nd) 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 Senators present or any bill appearing on the general calendar of bills on second (2nd) or third (3rd) 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.

(2) A two-thirds (2/3) vote of those Senators 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.

(3) The Chair of 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 postponed, 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 chair 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—Local Bill Calendar**

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 Chair of the Committee on Rules and Calendar and approved by the President.

**4.19—Order after second (2nd) reading**

The order of disposition of a bill that has been read the second (2nd) time shall be its reference to the engrossing clerk to be engrossed after all questions relative to it while on second (2nd) reading have been disposed of, and the same shall be immediately engrossed and placed on the calendar of bills on third (3rd) 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 (3rd) 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 (3rd) reading when it has been read a second (2nd) time on a previous day and no motion left pending. Bills calendared for second (2nd) or third (3rd) 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 8 of the *State 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.

**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**

(1) After the result of the vote has been announced by the President, a Senator with unanimous consent of those Senators 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.

(2) 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 in the place of a Senator shall be excluded from the Chamber for the remainder of the session.

### 5.4—Pairing

(1) Pairing, a type of absentee voting by which a Senator who is excused from attendance agrees with a Senator who would have voted opposite the excused Senator, shall be permitted.

(2) The Senator in attendance shall not vote in the electronic roll call.

(3) The pair vote form shall:

- (a) State the bill to which the pair applies,
- (b) Indicate how both Senators would have voted,
- (c) Be filed with the Secretary prior to the vote, and
- (d) Be recorded in the Journal.

### 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 (3rd) 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

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

- (a) To adjourn
  1. Instanter
  2. At a time certain
- (b) Questions of privilege
- (c) To take a recess
- (d) To proceed to the consideration of executive business
- (e) To reconsider
- (f) To limit debate
- (g) To temporarily postpone

- (h) To postpone to a day certain
- (i) To commit to the Committee of the Whole
- (j) To commit to a standing committee
- (k) To commit to a select committee
- (l) To amend
- (m) 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.

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

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) 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

(1) 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.

- (a) If the question has been decided by voice vote, any Senator may so move.
- (b) When a majority of those Senators 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 Senators present is necessary for adoption or passage, any Senator may move for reconsideration.

(2) Such motion may be made pending a motion to adjourn or if it is time to adjourn.

- (a) 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 Senators present.
- (b) During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day.

#### 6.5—Reconsideration; vote required

A majority of the affirmative votes of those Senators 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 Senators 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 *State 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 *State 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**

(1) No amendment to a bill on any Senate calendar which was 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. The consideration of all amendments not timely filed in accordance with this rule, requires a two-thirds (2/3) vote of those Senators present.

(2) 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 chair of the committee (or, in the chair's absence, the vice-chair 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.

(3) 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:

- (a) Bills which have received an unfavorable committee report.
- (b) Bills which have been withdrawn from further consideration by the sponsor.
- (c) Bills the substance of which have not been reported favorably by all committees of reference.
- (d) Bills which have not been published at least one (1) legislative day under Bills on Second Reading in the Senate calendar.

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**

(1) On second (2nd) reading, amendments may be adopted by a majority vote of those Senators present.

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

**7.3—Sequence of amendments to amendments**

(1) 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:

- (a) Amendments to the amendment are acted on before the substitute is taken up. Only one (1) amendment to the amendment is in order.
- (b) Amendments to the substitute are next voted on.
- (c) The substitute then is voted on.

(2) 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**

(1) After the reading of a House amendment to a Senate bill, the Senate may:

- (a) Amend the House amendment,
- (b) Concur in the House amendment,
- (c) Refuse to concur in the House amendment and ask the House to recede, or
- (d) Request a conference committee.

(2) The adoption of all the foregoing motions shall be by majority vote of those Senators present.

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

(1) If the House shall refuse to concur in a Senate amendment to a House bill, the Senate may:

- (a) Recede,
- (b) Insist that the House concur and request a conference committee, or
- (c) Insist that the House concur.

(2) The adoption of any of the foregoing motions shall be by majority vote of those Senators 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

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

- (a) Rising to a question of privilege;
- (b) Rising to a point of order requiring an immediate ruling;
- (c) Rising to appeal a decision of the presiding officer concerning a point of order (if the appeal is made immediately following the decision);
- (d) Rising to make a parliamentary inquiry requiring an immediate reply; or
- (e) Rising to question the existence of a quorum.

(2) The presiding officer shall strictly enforce this Rule.

### 8.4—Senator speaking, rights

(1) 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.

(2) 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 Senators 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 a two-thirds (2/3) vote of those Senators 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 (2nd) 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

(1) Questions of privilege shall be:

- (a) Those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and
- (b) The rights, reputation, and conduct of Senators individually, in their representative capacity only.

(2) 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

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

(2) 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.

(3) 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.

#### 9.35—Contributions during sessions

During a regular legislative session, and during an extended or special session as further provided for in Rule 1.361(2), a lobbyist may not directly or indirectly contribute to a Senator’s own campaign, or to any organization that is registered, or should have been registered, with the Committee on Rules and Calendar pursuant to Rule 1.361(3).

#### 9.4—Advisory opinions

(1) 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.

(2) 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**

Except at the discretion of the President, no person entitled to admission shall be admitted if registered pursuant to Rule Nine (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 persons on the main floor of the Senate Chamber and in the gallery (with the exception of visitors in that portion of the gallery set aside for the general public) shall wear appropriate business attire 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 those 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 Senators present.

**11.3—Changes in Rules**

All proposed actions regarding 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 those Senators present.

**11.4—Majority action**

Unless otherwise indicated by these Rules or the *State Constitution*, 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 membership of the Senate shall be required to consider additional proposed legislation in any extended session in accordance with Article III, Section 3 of the *State 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 *State Constitution*.

**12.2—Executive session; purpose**

Pursuant to Article III, Section 4(b) of the *State Constitution*, 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, the Secretary of the Senate, and staff as approved by the President, 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 those 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 confidential except information on which the bans of confidentiality 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 Rules as to the confidentiality 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

(1) 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 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.

(2) Upon receipt of a request by the Governor or other appointing official or authority for the return of the documentation of an appointment, which appointment has not been acted upon by the Senate, the Secretary of the Senate, upon consultation with the President, shall return the appointment documentation and the return shall be noted in the Journal of the Senate. The appointee whose appointment was returned continues in office until the end of the next ensuing session of the Legislature or until the Senate confirms a successor, whichever occurs first.

- (a) If the appointment returned was made by the Governor, official or authority's predecessor, the appointee shall not be subject to the provisions of section 114.05(1)(e) or (f), *Florida Statutes*, during the period of withdrawal.
- (b) If the appointment returned was made by the Governor, official or authority requesting the return, for purposes of section 114.05(1)(e) and (f), *Florida Statutes*, the returned appointment shall be treated as if the Senate failed to consider the appointment.
- (3)(a) 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 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.
- (b) 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.
- (4) 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.
- (5) The suspended official may file with the Secretary of the Senate, no later than ten (10) days prior to the first (1st) 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.
- (6) 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.

(7) 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.

(8) Subject to the limitations of Rule 12.7(3) 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(3), the committee or Special Master shall institute action within three (3) months after the termination of pending proceedings as described in Rule 12.7(3). 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.

(9) For the purposes of Article IV, Section 7(b) of the *State Constitution*, 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.

(10) 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.

(11) 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 chair 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 Twelve (12) and part V of chapter 112, *Florida Statutes*, the Rule, derived from Article III, Section 4(a) of the *State Constitution*, 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 provided by the Committee on Rules and Calendar and approved by the President.

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

Committee meetings shall be scheduled by the Committee on Rules and Calendar with the approval of the President. Meetings of standing committees and standing subcommittees scheduled in accordance with this Rule may be held following the posting of a notice 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 meeting together with the name of the introducer, short title, number of each bill to be considered, and the amendment deadline for the meeting. All other provisions for publication of notice of committee meetings are suspended.

**13.4—Delivery for introduction**

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

**13.5—Committee reports**

Every bill, joint resolution, resolution, and memorial referred to a standing committee or committees shall be reported to the Secretary before 4:30 p.m. of the third (3rd) calendar day from the day of reference (the day of reference not being counted as the first (1st) day) unless otherwise ordered by the Senate by majority vote of those Senators 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 chair of the standing committee which shall not be beyond the time allowed herein.

**13.6—Conference committee reports**

(1) 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 (2nd) 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. A conference committee report shall be made available to the membership two (2) hours prior to the beginning of debate of the report by the Senate.

(2) 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.

(3) 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.

(4) 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 deleting 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.

(5) 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.

(6) 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 Special Order Calendar Subcommittee of the Committee on Rules and Calendar may submit a Special Order Calendar determining the time and priority for consideration of bills. Such Special Order Calendar shall be for the next legislative day. The amendment deadline for bills on the Special Order Calendar shall be 5:00 p.m. or two (2) hours after the Special Order Calendar is announced, which ever occurs later.

**RULE FOURTEEN**

**SEAL AND INSIGNIA**

**14.1—Seal and insignia**

(1) 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 "State of Florida."

(2) 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."

(3) The Senate Seal, the Senate Coat of Arms, official Senate stationery, calling cards, and facsimiles thereof, may be used only in connection with official Senate business.

**JOINT RULES**

**JOINT RULE ONE**

**LOBBYIST REGISTRATION AND REPORTING**

(As Amended March 2000)

**1.1—Those Required to Register; Exemptions; Committee Appearance Records**

(1) All lobbyists before the Florida Legislature must register with the Lobbyist Registration Office in the Division of Legislative Information Services of the Office of Legislative Services, referred to in Joint Rule One as the Lobbyist Registration Office. Registration is required for each principal represented.

(2) As used in this rule, unless the context otherwise requires:

(a) "Designated lobbyist" means the lobbyist who is appointed, by a principal represented by two or more lobbyists, to file expenditure reports that include lobbying expenditures made directly by the principal.

(b) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(c) "Lobby" or "lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(d) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a "lobbyist" unless the employee is principally employed for governmental affairs. "Principally employed for governmental affairs"

means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. Any person employed by any executive, judicial, or quasi-judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(e) "Payment" or "salary" means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(f) "Principal" means the person, firm, corporation, or other entity that has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(3) For purposes of this rule, the terms "lobby" and "lobbying" do not include any of the following:

(a) Response to an inquiry for information made by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services that arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term "lobbyist" does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge's official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer's official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record on a form to be provided by the respective house.

## 1.2—Method of Registration

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the Lobbyist Registration Office, on which that person must state, under oath, that person's full legal name, driver's license number, business address, and phone number, the name and business address of each principal that person represents, the areas of that person's legislative interest, and the extent of any direct business association or partnership that person has with any member of the Legislature. The Lobbyist Registration Office or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Lobbyist Registration Office

in writing within 15 days on forms furnished by the Lobbyist Registration Office.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. At the time of registration, the registrant shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. Any person required to register must renew the registration annually, in accordance with Joint Senate and House Rule 1.3.

(3) If a principal is represented by two or more lobbyists, the first lobbyist who registers to represent that principal shall be the designated lobbyist. The principal may change its designated lobbyist at any time in writing on forms furnished by the Lobbyist Registration Office. Upon termination of the designated lobbyist's representation, the principal shall notify the Lobbyist Registration Office within 15 days, on forms furnished by the office, of the appointment of a new designated lobbyist.

(4) A lobbyist shall promptly send a notice to the Lobbyist Registration Office, on forms furnished by the Lobbyist Registration Office, cancelling the registration for a principal upon termination of the lobbyist's representation of that principal. A notice of cancellation takes effect the day it is received by the Lobbyist Registration Office. Notwithstanding this requirement, the Lobbyist Registration Office may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the Lobbyist Registration Office that the lobbyist is no longer authorized to represent that principal. Each lobbyist shall file an expenditure report for each period during any portion of which he or she was registered, and each principal shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(5) The Lobbyist Registration Office shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(6) The Lobbyist Registration Office shall retain all original documents submitted under this section.

(7) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 112.3148 and 112.3149, Florida Statutes, relating to the reporting of and the prohibited receipt of gifts and honoraria.

## 1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the Lobbyist Registration Office. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

(a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.

(b) Two employees of the Fish and Wildlife Conservation Commission.

(c) Two employees of the Executive Office of the Governor.

(d) Two employees of the Commission on Ethics.

(e) Two employees of the Florida Public Service Commission.

(f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to \$50 per each house for a person to register to represent one principal and up to an additional \$10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the President of the Senate and the Speaker of the House of Representatives. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Lobbyist Registration Office. The fees collected by the

Lobbyist Registration Office under this joint policy shall be deposited in the State Treasury and credited to the Legislative Lobbyist Registration Trust Fund specifically to cover the costs incurred in administering this joint policy.

#### 1.4—Periodic Reports Required

(1) **REPORTING DATES.**—Each person who registers pursuant to Joint Senate and House Rule 1.2 must submit to the Lobbyist Registration Office, on forms provided by the Lobbyist Registration Office and for each reporting period required by this rule, a signed and certified statement listing all lobbying expenditures during the reporting period and the sources of funds for those expenditures as required in this rule. Reporting statements shall be filed no later than 45 days after the end of the reporting period. Only two reports are required each calendar year. The first report shall disclose expenditures made from January 1 through June 30. The second report shall disclose expenditures for July 1 through December 31. It is the intent of this rule that each reporting period be separate from the other reporting period and that each expenditure be reported just once. In addition, any reporting statement may be filed by electronic means, when feasible.

(2) **TIMELINESS OF REPORTS.**—Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is post-marked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

#### (3) LOBBYIST'S EXPENDITURE REPORT.—

(a) The Lobbyist's Expenditure Report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the reporting period shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other. For each expenditure category, the report must identify the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. Forms shall be provided by the Lobbyist Registration Office.

(b) A lobbyist shall file a Lobbyist's Expenditure Report for each principal represented.

(c) When a principal has two or more lobbyists, the designated lobbyist will be responsible for filing a report that discloses the expenditures made directly by the principal and the expenditures of the designated lobbyist on behalf of the principal. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal.

(d) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.

(e) The principal is responsible for the accuracy of the figures submitted to the lobbyist for reporting, and the lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist. The principal shall sign the expenditure report submitted by the principal's sole or designated lobbyist.

#### (4) EXPENDITURES.—

##### (a) Definitions.—

1. "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made or controlled, directly or indirectly, by a lobbyist or principal for the purpose of lobbying. Expenditures shall be accounted for and reported on an accrual accounting basis.

2. "Accrual accounting basis" means the method of accounting that recognizes expenses during the period in which they are incurred regardless of when they are actually paid.

(b) **Goodwill expenditures.**—An expenditure shall be considered to have been intended to be for the purpose of engendering goodwill if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or an employee of the Legislature, unless the member or employee is a relative of the lobbyist. A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

(c) **Expenditure categories.**—Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any defined category, it should be reported in the "Other" category. The categories of expenditures used in this rule are as follows:

1.a. "Communications" means dissemination of information, including, but not limited to, by means of the following:

I. Audio-visual materials; and

II. Signs, placards, banners, buttons, promotional materials, and other display materials;

together with any associated production services.

b. This category does not include media advertising, publications, or research.

2. "Entertainment" means amusement or recreation, including, but not limited to, sporting, hunting, fishing, theatrical, artistic, cultural, and musical activities or events.

3. "Food and Beverages" means meals, snacks or other edible substances, or liquids for drinking, including services associated therewith.

4. "Lodging" means sleeping or living accommodations for an individual for one or more nights.

5. "Media Advertising" means newspaper and magazine advertising, radio and television advertising, and outdoor advertising, including production services and copywriting services.

6. "Other" means any item or service that is not included within one of the specified categories, but does not include any item or service that is not required by law to be reported.

7. "Publications" means mass-produced, printed materials, including, but not limited to, magazines, newsletters, brochures, or pamphlets, which expressly encourage persons to communicate with members or employees of the Legislature to influence the official actions of members or employees of the Legislature or which are designed to communicate with members or employees of the Legislature.

8. "Research" means procurement of information relating to a specific issue, regardless of the form or medium in which that information is provided, including, but not limited to, surveys, bill-tracking services, information services, periodicals, and consultants or consultant services to gather data or statistics.

9. "Special Events" means large-scale occurrences, including, but not limited to, receptions, banquets, dinners, or legislative days, to which more than 250 persons are invited and for which the expenditures associated with hosting the occurrence are negotiated with a catering service or facility at a single, set price or which include multiple expenditure categories.

10. "Travel" means transporting an individual from one place to another, regardless of the means used.

(d) Items that are not expenditures.—The term “expenditure” does not include:

1. Contributions or expenditures reported pursuant to chapter 106, Florida Statutes; campaign-related personal services provided without compensation by individuals volunteering their time; or any other contribution or expenditure by a political party.

2. A lobbyist’s or principal’s salary, office expenses, and personal expenses for lodging, meals, and travel. If the principal is a firm, corporation, association, or person, other than a natural person, the office expenses of the entity and the salaries of the officers of the entity, as well as expenses for their lodging, meals, and travel, are not lobbying expenditures. Office expenses include, but are not limited to, payment or obligation for rent or mortgage, utilities, postage, telephone service, employees’ salaries, furniture, copies, computers, software, paper supplies, and custodial or maintenance services. Communications, publications, and research are office expenses if performed or produced by the lobbyist or principal or their employees. If those functions are performed by independent contractors, other than the lobbyist or principal or an affiliate controlled by the principal, they are expenditures reportable under the appropriate expenditure category.

3. If an expense is incurred for a nonlobbying business purpose and the product of that expense is later used for a lobbying purpose, a reportable expenditure is not created.

(e) Valuation of expenditures.—

1. In calculating the amount of aggregate expenditures, a lobbyist or principal may, prior to prorating, round each entry up or down to the nearest \$5. A record is not required to be maintained for any amount that rounds to zero.

2. The amount to be reported for an expenditure shall be determined using the actual cost to the lobbyist or principal or other person making the payment on behalf of the lobbyist or principal, less any compensation received by such lobbyist or principal in payment for the object of the expenditure. If a lobbyist or principal makes a contribution to an expenditure by another lobbyist or principal, the person making the contribution shall report the amount of the contribution as an expenditure, and the person receiving the contribution shall subtract the value of the contribution from the expenditure to be reported by that person.

3. When a lobbyist has multiple principals, expenditures made for the purpose of engendering goodwill that are not attributable to one principal may be prorated among the lobbyist’s principals or may be attributed to one principal.

4. When a lobbyist has multiple principals, expenditures for research or other expenditures that may benefit several principals may be reported to the principal for whom the research was done or other expenditures incurred or prorated to those principals that may benefit from the research or other expenditures.

5. The amount reported as an expenditure shall not include the amount of any additional expenses that are required as a condition precedent to eligibility to make an expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying or if it is paid to a charitable organization. If the amount expended for the condition precedent is primarily intended to be for a lobbying purpose and is not paid to a charitable organization, the total amount of the expenditure shall be reported as a lobbying expenditure. Initiation fees, membership fees, and booster fees are examples, although not exclusive examples, of additional expenses that are regularly required as conditions precedent for eligibility to make other expenditures.

6. A person providing transportation in a private automobile shall be considered to be making an expenditure at the rate of 29 cents per mile, and the amount of an expenditure made for transportation provided in other private conveyances shall be determined in accordance with the provisions of section 112.3148(7), Florida Statutes.

7. A person providing lodging in a private residence shall be considered to be making an expenditure of \$29 per night.

8. Expenditures made for more than one person may be attributed, on a pro rata basis, among all of the persons for whom the expenditure is made.

(5) AGGREGATION OF EXPENDITURE FIGURES.—For each reporting period, the Lobbyist Registration Office shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Following the last report for each calendar year, the Lobbyist Registration Office shall provide a total of expenditures reported as spent by and on behalf of each principal for that calendar year.

### 1.5—Penalties for Late Filing

(1) Upon determining that a report is late, the person designated to review the timeliness of reports shall immediately notify the lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.

(2) Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

(a) When a report is actually received by the lobbyist registration and reporting office;

(b) When the report is postmarked;

(c) When the certificate of mailing is dated; or

(d) When the receipt from an established courier company is dated.

(3) Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the Lobbyist Registration Office. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall not be assessed against a lobbyist the first time any reports for which the lobbyist is responsible are not timely filed. However, to receive this one-time fine waiver, all reports for which the lobbyist is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

(5) A lobbyist, a lobbyist’s legal representative, or the principal of a lobbyist may request that the filing of an expenditure report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request. The registration of a lobbyist who fails to timely pay a fine is automatically suspended until the fine is paid or waived.

(6) The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbyist to file a report after notice or of the failure of a lobbyist to pay the fine imposed.

### 1.6—Appeal of Fines; Hearings; Unusual Circumstances

(1) A lobbyist wishing to appeal or dispute a fine imposed in accordance with Joint Senate and House Rule 1.5 shall file with the Lobbyist Registration Office a notice of appeal within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, setting out with specificity the unusual circumstances surrounding the failure to file on the designated due date. A request for a hearing on the matter before the General Counsel of the Office of Legislative Services must be made within the same 30-day period. The notice of appeal may be accompanied by any documentation or evidence supporting the claim. Failure to timely file a notice of appeal as described in this subsection shall constitute a waiver of the right to appeal or to dispute a fine.

(2) The President of the Senate and the Speaker of the House of Representatives may waive the fine in whole or in part for good cause shown based on the unusual circumstances presented by the lobbyist.

(3) The term “unusual circumstances” for the purposes of this rule means uncommon, rare, or sudden events over which the person has no control and which directly result in the failure to meet the filing requirements.

(4) The Department of Banking and Finance shall collect any fine that is not timely paid.

**1.7—Questions Regarding Registration**

(1) A person may request in writing an informal opinion from the general counsel of the Office of Legislative Services as to the application of this rule to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion which is issued shall be provided to the presiding officer of each house. The committees designated under section 11.045(4), Florida Statutes, may revise any informal opinion rendered by the general counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this rule may submit in writing the facts for an advisory opinion to the committee of either house designated pursuant to section 11.045(4), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(4), Florida Statutes.

**1.8—Open Records**

All of the lobbyist registration and expenditure reports received by the Lobbyist Registration Office shall be available for public inspection and for duplication at reasonable cost.

**1.9—Records Retention and Inspection**

Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this rule, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

**JOINT RULE TWO**

**GENERAL APPROPRIATIONS BILL**

(As Amended March 1999)

**2.1—General Appropriations Bill; Review Period**

(1) A general appropriations bill shall be subject to a 72-hour public review period before a vote is taken on final passage of the bill in the form that will be presented to the Governor.

(2) If a bill is returned to the house in which the bill originated and the originating house does not concur in all the amendments or adds additional amendments, no further action shall be taken on the bill by the nonoriginating house, and a conference committee shall be established by operation of this rule to consider the bill.

(3) If a bill is referred to a conference committee by operation of this rule, a 72-hour public review period shall be provided prior to a vote being taken on the conference committee report by either house.

(4) A copy of the bill, a copy of the bill with amendments adopted by the nonoriginating house, or the conference committee report shall be furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet. Copies for the Governor, Chief Justice and members of the Cabinet shall be furnished to the official's office in the Capitol or Supreme Court Building. A member's copy shall be furnished to the member's desk in the

appropriate chamber. The Secretary of the Senate shall be responsible for furnishing copies under this rule for Senate bills, House bills as amended by the Senate, and conference committee reports on Senate bills. The Clerk of the House shall be responsible for furnishing copies under this rule for House bills, Senate bills as amended by the House, and conference committee reports on House bills.

(5) The 72-hour public review period shall begin to run upon completion of the furnishing of copies required to be provided herein. The Speaker of the House and the President of the Senate, as appropriate, shall be informed of the completion time and such time shall be announced on the floor prior to vote on final passage in each house and shall be entered in the journal of each house. Saturdays, Sundays, and holidays shall be included in the computation under this rule.

**2.2—General Appropriations Bill; Definition**

For the purposes of Joint Rule 2, the term "general appropriations bill" means a bill which provides for the salaries of public officers and other current expenses of the state and contains no subject other than appropriations. A bill which contains appropriations which are incidental and necessary solely to implement a substantive law is not included within this term.

**JOINT RULE THREE**

**LEGISLATIVE SUPPORT SERVICES**

(As Amended April 1998)

**3.1—Organizational Structure**

The Legislature shall be supported by the Office of Legislative Services, the Office of Legislative Information Technology Services, and the Office of Economic and Demographic Research. These offices shall provide support services that are determined by the President of the Senate and the Speaker of the House of Representatives to be necessary and that can be effectively provided jointly to both houses and other units of the Legislature. Each office shall be directed by a coordinator selected by the President of the Senate and the Speaker of the House of Representatives.

(1) The Office of Legislative Services shall provide legislative support services other than those prescribed in subsections (2) and (3). The Division of Statutory Revision and the Division of Legislative Information shall be two of the divisions within the Office of Legislative Services.

(2) The Office of Legislative Information Technology Services shall provide support services to assist the Legislature in achieving its objectives through the application of cost-effective information technology.

(3) The Office of Economic and Demographic Research shall provide research support services, principally regarding forecasting economic and social trends that affect policymaking, revenue, and appropriations.

**3.2—Policies**

The President of the Senate and the Speaker of the House of Representatives shall jointly adopt policies they consider advisable to carry out the functions of the Legislature.

**JOINT RULE FOUR**

**JOINT LEGISLATIVE AUDITING COMMITTEE**

(As Amended March 2000)

**4.1—Responsibilities**

(1) On or before December 31 of the year following each decennial census, the Legislative Auditing Committee shall review the performance of the Auditor General and shall submit a report to the Legislature which recommends whether the Auditor General should continue to serve in office.

(2) The expenses of the members of the committee shall be approved by the chair of the committee and paid from the appropriation for legislative expense.

(3) The committee shall submit to the President of the Senate and the Speaker of the House of Representatives, for approval, an estimate

of the financial needs of the committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability, and the Public Counsel.

(4) The committee and the units it oversees, including the Auditor General, the Office of Program Policy Analysis and Government Accountability, and the Public Counsel, shall submit their budget requests and operating budgets to the President of the Senate and the Speaker of the House of Representatives for prior written approval by the presiding officers acting together.

(5) The committee may receive requests for audits and reviews from legislators. Staff of the committee shall review each request and make a recommendation to the committee concerning its disposition. The manner of disposition recommended may be:

(a) Assignment to the Auditor General for inclusion in a regularly scheduled agency audit;

(b) Assignment to the Auditor General for special audit or review;

(c) Assignment to the Office of Program Policy Analysis and Government Accountability for inclusion in a regularly scheduled performance audit;

(d) Assignment to the Office of Program Policy Analysis and Government Accountability for special audit or review;

(e) Assignment to committee staff; or

(f) Rejection as being an unnecessary or inappropriate application of legislative resources.

(6) The committee may at any time, without regard to whether the Legislature is in session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(7) The committee shall review the performance of the director of the Office of Program Policy Analysis and Government Accountability every 4 years and shall submit a report to the Legislature recommending whether the director should be reappointed. A vacancy in the office must be filled in the same manner as the original appointment.

#### **JOINT RULE FIVE**

##### **AUDITOR GENERAL**

###### **5.1—Rulemaking authority**

The Auditor General shall make and enforce reasonable rules and regulations necessary to facilitate audits that he or she is authorized to perform.

###### **5.2—Budget and accounting**

(1) The Auditor General shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval a proposed budget for the ensuing fiscal year.

(2) Within the limitations of the approved operating budget, the salaries and expenses of the Auditor General and the staff of the Auditor General shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The Auditor General shall approve all bills for salaries and expenses for his or her staff before the same shall be paid.

###### **5.3—Audit report distribution**

(1) A copy of each audit report shall be submitted to the Governor, to the Comptroller, and to the officer or person in charge of the state agency or political subdivision audited. One copy shall be filed as a permanent public record in the office of the Auditor General. In the case of county reports, one copy of the report of each county office, school district, or other district audited shall be submitted to the board of county commissioners of the county in which the audit was made and shall be filed in the office of the clerk of the circuit court of that county

as a public record. When an audit is made of the records of the district school board, a copy of the audit report shall also be filed with the district school board, and thereupon such report shall become a part of the public records of such board.

(2) A copy of each audit report shall be made available to each member of the Legislative Auditing Committee.

(3) The Auditor General shall transmit a copy of each audit report to the appropriate substantive and fiscal committees of the Senate and House of Representatives.

(4) Other copies may be furnished to other persons who, as in the opinion of the Auditor General, are directly interested in the audit or who have a duty to perform in connection therewith.

(5) The Auditor General shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by audit reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

#### **JOINT RULE SIX**

##### **OFFICE OF PROGRAM POLICY**

##### **ANALYSIS AND GOVERNMENT ACCOUNTABILITY**

###### **6.1—Responsibilities of the director**

(1) The director may adopt and enforce reasonable rules necessary to facilitate the studies, reviews, and reports that the office is authorized to perform.

(2) The director shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval the annual projected work plan of the office in conjunction with a proposed operating budget for the ensuing fiscal year.

(3) Within the monetary limitations of the approved operating budget, the salaries and expenses of the director and the staff of the Office of Program Policy Analysis and Government Accountability shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The director shall approve all bills for salaries and expenses before the same shall be paid.

(4) Within the monetary limitations of the approved operating budget, the director shall make all spending decisions, including entering into contracts on behalf of the Office of Program Policy Analysis and Government Accountability.

(5) The director shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by office reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The director may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

#### **JOINT RULE SEVEN**

##### **JOINT LEGISLATIVE BUDGET COMMISSION**

(As Created November 2000)

###### **7.1—General Responsibilities**

(1) The commission, as provided in chapter 216, Florida Statutes, shall receive and review notices of budget and personnel actions and proposed actions taken or to be taken by the executive and judicial branches and shall approve or disapprove such actions.

(2) Through the chairman, the commission shall advise the Governor and the Chief Justice of actions or proposed actions that exceed delegated authority or that are contrary to legislative policy and intent.

(3) To the extent possible, the commission shall inform members of the Legislature of budget amendments requested by the executive or judicial branches.

(4) The commission shall consult with the Comptroller and the Executive Office of the Governor on matters as required by chapter 216, Florida Statutes.

(5) The President of the Senate and the Speaker of the House of Representatives may jointly assign other responsibilities to the commission in addition to those assigned by law.

(6) The commission shall develop policies and procedures necessary to carry out its assigned responsibilities.

(7) The commission, with the approval of the President of the Senate and the Speaker of the House of Representatives, may appoint subcommittees as necessary to facilitate its work.

**7.2—Zero-based Budgeting**

(1) The commission shall develop a schedule and apply zero-based budgeting principles in reviewing the budget of each state agency at least once every 8 years.

(2) By July 1 of each year, the commission shall issue instructions to the agencies whose budgets are to be reviewed prior to the next legislative session.

(3) The commission shall provide these reviews to the President of the Senate and the Speaker of the House of Representatives by December 31 of the year in which they are completed.

(4) By February 1, 2001, the commission shall provide to the President of the Senate and the Speaker of the House of Representatives a schedule for completing zero-based budgeting reviews of all state agencies prior to December 31, 2008.

**7.3—Organizational Structure**

(1) The commission shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives. The appointees shall include the chairman of the Fiscal Responsibility Council in the House of Representatives and the chairman of the Committee on Appropriations in the Senate.

(2) The members of the commission shall elect a chairman and a vice chairman. In even-numbered years, a Senator shall be chairman and a House member vice chairman. In odd-numbered years, a House member shall be chairman and a Senator vice chairman.

(3) The commission shall meet at least quarterly and more frequently at the direction of the presiding officers or the chairman. Meetings may be conducted through teleconferences or other electronic means.

(4) A quorum shall consist of a majority of the commission members of each house plus one additional member of the commission.

(5) Action by the commission shall require a majority vote of the members present of each house.

(6) The commission shall be jointly staffed by the appropriations committees of both houses. During even-numbered years, the Senate shall provide the lead staff. During odd-numbered years, the House of Representatives shall provide the lead staff.

**7.4—Notice of Commission Meetings**

Not less than 7 days prior to a meeting of the commission, a notice of the meeting, stating the items to be considered, date, time, and place, shall be filed with the Secretary of the Senate when the chairman is a Senator or with the Clerk of the House of Representatives when the chairman is a Representative. The Secretary or the Clerk shall distribute notice to the Legislature and the public, consistent with the rules and policies of their respective houses.

**JOINT RULE EIGHT**

CONTINUING EXISTENCE OF JOINT RULES

(As amended November 2000)

**8.1—Continuing Existence of Joint Rules**

All joint rules adopted by concurrent resolution, and amendments thereto, shall continue in effect from session to session or Legislature to Legislature until repealed by concurrent resolution.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of March 8 was corrected and approved.

**CO-INTRODUCERS**

Senators Alexander—SB 876; Atwater—SB 876, SB 1070, SB 1324; Bennett—CS for SB 334, SB 876, SB 958; Campbell—SB 778, SB 958, SB 1434; Clary—SB 876; Constantine—CS for SB 526, SB 1070; Crist—SB 284, CS for SB 352; Diaz de la Portilla—SB 876, SB 1862; Dockery—SB 98, SB 292, SB 480, CS for SB 528, SB 876; Fasano—SB 612, SB 1374, SB 1466; Garcia—SB 876; Haridopolos—SB 716, SB 876; Hill—SB 1324; Jones—CS for SB 126, CS for SB 434; King—SB 632, SB 768; Lawson—SB 958; Lynn—SB 284, SB 818, CS for SB 886; Miller—SB 284, SB 524, SB 1060; Peaden—SB 876; Posey—SB 876, SB 1862; Pruitt—SB 1862; Rich—SB 226, SB 778; Sebesta—SB 876; Villalobos—SB 876; Webster—SB 876; Wilson—SB 1434; Wise—SB 876

Senator Atwater withdrew as the introducer of SB 1070.

**RECESS**

On motion by Senator Pruitt, the Senate recessed at 10:22 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Thursday, March 17 or upon call of the President.