



Journal of the Senate

ORGANIZATION SESSION

Tuesday, November 18, 2008

Journal of the Senate for the Organization Session of the Twenty-first Legislature to be convened under the Constitution of Florida, as revised in 1968, and subsequently amended, begun and held at the Capitol in the City of Tallahassee, in the State of Florida, on Tuesday, November 18, 2008, being the day fixed by the Constitution for this purpose.

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PLEDGE

At the request of Senator Baker, all the children in the chamber 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. Daniel Higgins of West Palm Beach, sponsored by Senator Atwater, as doctor of the day. Dr. Higgins specializes in Surgery and currently serves as President of the Palm Beach Medical Society.

CERTIFICATE RECEIVED

Philip Twogood, of the Office of Senate Secretary, announced that The Honorable Kurt S. Browning, Secretary of State, had certified to the election of 21 Senators as follows:

CALL TO ORDER

The Senate was called to order by President Pruitt at 10:00 a.m.

PRAYER

The following prayer was offered by Bishop Thomas Masters, The New Macedonia Baptist Church, and also Mayor, Riviera Beach:

Our Father, our God, we come today to say thank you. Thank you for life, health and pursuit of happiness. We thank you for our great nation — the land of the free, and the home of the brave. We thank you for our awesome state, the Sunshine State. We ask you to permit the rays of your sustaining power and presence to shine down upon us all.

God, we ask you to bless our new President, Jeff Atwater; continue to guide and strengthen him, endow him with power and wisdom from on high, that he will unify this body and lead with vision, faith, purpose, reason, fairness and truth. All will come to realize that brother Jeff Atwater is a true servant of all the people, always seeking: right over wrong; faith over fear; hope over despair; and strength over weakness.

We ask your blessings upon this great chamber, one that seeks to do your will, uplift humanity, improve the quality of life for all and never forget the least of these: guide our feet; hold our hands; tame our tongues; purify our hearts; convict our conscience; stir up our spirit; empower our minds; and move us with compassion.

Broaden our horizon that we will see ourselves, not as Democrats or Republicans, but Americans, one nation under God, indivisible with liberty and justice for all. We must all understand that in our deliberations that we will always put people first and ensure democracy.

Pray that the words of our mouths and the meditations of our hearts will always be acceptable in thy sight, and all the people said, Amen.

STATE OF FLORIDA DEPARTMENT OF STATE

I, **KURT S. BROWNING**, Secretary of State of the State of Florida, do hereby certify that the following candidates were duly elected at the General Election held on the Fourth day of November, A.D., 2008, to the office of Member, State Senate, as shown by the records of this office:

SENATE DISTRICT	ELECTED SENATOR
1	Anthony C. "Tony" Hill, Sr.
3	Charles S. "Charlie" Dean, Sr.
5	Stephen R. Wise
7	Evelyn J. Lynn
9	Andy Gardiner
11	Mike Fasano
13	Dennis L. Jones, D.C.
15	Paula Dockery
17	JD Alexander
19	Gary Siplin
21	Michael S. "Mike" Bennett
23	Nancy C. Detert
24	Thad Altman
25	Jeff Atwater
27	Dave Aronberg
29	Christopher L. "Chris" Smith
31	Eleanor Sobel
33	Frederica S. Wilson
35	Dan Gelber
37	Garrett Richter
39	Larcenia J. Bullard

GIVEN under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capitol, this the 17th day of November, A.D., 2008

Kurt S. Browning
SECRETARY OF STATE



OATH OF OFFICE ADMINISTERED

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

ROLL CALL

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

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Atwater	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

SPECIAL GUESTS

President Pruitt introduced the following guests: Governor Charlie Crist, former Senator; Lieutenant Governor Jeff Kottkamp, former Representative; and former Governor Reubin Askew, former Senator and Representative.

President Pruitt recognized the following Supreme Court Justices: Chief Justice Peggy Quince; and Justices Harry Lee Anstead and Barbara Pariente.

President Pruitt announced that in addition to former Senate President Jim King, who still serves in the Senate, the Senate was honored by the presence of the following former Senate Presidents: Mallory Horne; Phil Lewis and his son, Dan; and James Scott. Senator King was accompanied by his wife, Linda.

President Pruitt also recognized former Senators Ron Silver, Paul Steinberg, Van Poole and Curt Kiser.

ORGANIZATION

The Senate proceeded to the organization of the body.

NOMINATIONS FOR PRESIDENT

President Pruitt announced that nominations would be received for President of the Senate, pursuant to Article III, Section 2 of the Constitution, for a term of two years.

President Pruitt recognized Senator King who placed in nomination the name of Senator Jeff Atwater of the 25th Senatorial District.

Senator King: Senators, honored guests, friends and family in the gallery. Today's ceremony across our great state, is being watched by Floridians on television and listened to on the radio as we come together to nominate and swear in the 83rd President of the Florida Senate.

Having been in the Legislature for over 22 years, I have witnessed and participated in many of these ceremonies. I have watched as numerous men and women, Republicans and Democrats, have taken the oath of office and pledged to make a difference and work with both sides of the aisle to accomplish the difficult tasks at hand.

Each year, each new President faced unique challenges and uphill battles – some seemingly more difficult than others. In the end, they all did the best they could with the challenges that history gave them.

This year, regardless of the past performances, will go down as one of the most challenging and difficult for presiding officers and budget writers. Today, it is no secret, we face enormous problems:

We have a crippling budget crisis.

We have declining state revenues.

We have a troubled and faltering housing market.

And we must solve numerous policy issues that demand sound reform and real and significant change.

And yes, we must approach these problems in the shadow of a national economic crisis, the likes of which have not been realized by Americans since the market crash of 1929!

While these may seem daunting to any representative body and insurmountable to some aspiring leaders, we have the opportunity today to nominate a Senator whose commitment, drive and ability is as deeply rooted in his character as his personal history and heritage are rooted in Florida.

A "leader," by definition, is a person who has commanding authority and influence, who guides, and is the first or principal performer of a group. Senators, I know you will agree with me that this definition speaks to the integrity and aptitude of our friend, Jeff Atwater.

In these difficult seas on which our "ship of state" currently sails, we need a leader who will provide a calm and steady hand on the wheel. We need someone who sees the shore on the horizon beyond the storm and who can lead us there with confidence, strength and foresight.

To fill that role, I proudly stand before you to nominate Senator Jeff Atwater as President of the Florida Senate. Senator Atwater's family history in Florida is well known. His great-grandfather, Napoleon Bonaparte Broward, was Governor in the 1900s and his mother's cousin, Cary Hardee, was Governor later in the 1920s. Both took their place in our history and left their mark on Florida. As an interesting sidebar to this, the first piece of legislation I passed when I was elected in 1986, was the naming of a giant bridge crossing the St. Johns River, the Napoleon Bonaparte Broward Bridge. Tell me it's not a small world. Senator Atwater, now it is your time, and your day to make a lasting impression on our state's future. You have been given a challenge, and have accepted it without any kind of reservation. I know you will rise to the occasion and that in the end, your name, much like your ancestors', will bear witness in our state's history as a leader who helped turn the tide during difficult times.

As I close, I'd ask my fellow Senators to join me in nominating Senator Atwater for President of the Senate. I finish with one final thought. Senator Atwater's storied and distinguished family background already has a significant place in our state's history. Now, history once again opens its door and beckons all of us in. Senator, we have no idea what the future holds for you or for this chamber, but we face that future with the confidence that with you at the helm, our journey together will lead us to better days for all of Florida and for all Floridians.

Senator Atwater, I look forward to serving with you and I am proud and honored to nominate you as our 83rd President of the Florida Senate.

President Pruitt recognized Senator Lynn who seconded the nomination of Senator Atwater.

Senator Lynn: I rise to second the nomination of Jeff Atwater for Senate President. With him today is his lovely wife, Carole, and their four children: Amy Leigh, John, Amanda, and Courtney.

You have all played a major role in getting to the point where we are today. Senator Atwater's love for his family is evident. This story has been told before, but I think it bears telling again. Every morning, since first elected to go to Tallahassee, Jeff ties his shoelaces in a double-knot, the way we teach our young children to do. He does this to remember his children throughout the day. They are his priorities and he puts them first. However, some of us consider this a major sign that Jeff leaves nothing to chance. We know that is going to serve you well during the next two years.

Seriously, if you watch Jeff, whenever he speaks of his family, you can see the love and affection. It is clearly evident.

I also want to thank someone else in his family, particularly, and that is Carole Atwater. I welcome you, Carole Atwater, as our new First Lady. And Carole Atwater, you will be an incredible First Lady of the Florida Senate!

On a daily basis, Carole has faced the challenge of being a working woman, a mother of four, and wife to a husband who is, with your support, taking on a major state leadership role at a time when our state, like our nation, is facing problems of historic proportion. Carole, the journey you and Jeff have undertaken has been long, and, I am sure filled with success and sometimes disappointment. I know that your support was vital, particularly during the tough times. Jeff will especially need your continued love and support during the next two demanding years.

Also here today is Jeff's mother, Patricia Hardee Atwater. Mrs. Atwater, thank you for the role you have played in shaping your son, Jeff. He is a man of integrity, and has a deep sense of family, as well as a strong commitment to his community and to his state.

Jeff Atwater also recognizes the legislative role is both time consuming and demanding. He often works late into the evening to ensure that he listens and understands the concerns of Floridians from every walk of life and works to solve the many problems that they face.

Among the many constituents served by Senator Atwater is Tami Wise-Thrash for whom he sponsored a bill which addressed a serious problem. The "Robert A. Wise Military Protection Act," named after Mrs. Wise's son who, not only served in Iraq, but gave his life for our nation. The bill prohibits the commercialization of the name or image of a member of the armed forces. It is one that many of us could have sponsored and believed in. Jeff led the way in it. Tami Wise-Thrash is here with us today. We are honored by her presence and we thank you and your son for all you have contributed to making this wonderful state better than it ever was and our nation a leading nation in the world.

Senator Atwater, bolstered by his family, community, and friends, has demonstrated his commitment to serving the public good. He is the man of the hour. He has broad shoulders and he is the man who can lead us through these difficult two years that he will face with us and with our support.

Therefore, it is my pleasure to second the nomination of Senator Jeff Atwater for Senate President.

President Pruitt recognized Senator Deutch who further seconded the nomination of Senator Atwater.

Senator Deutch: Mr. President, I rise to further second the nomination of Senator Jeff Atwater from the 25th District to be President of the Florida Senate.

Mr. President, to some it might seem odd that I stand before this chamber to second the nomination of Senator Atwater as Senate President.

I am a member of the minority party; one whose views sometimes differ from those of our incoming president, and I am not hesitant to engage in a good debate with members of the other party when I feel that debate is warranted.

But I stand here today in support of Senator Atwater because, for him, good policy comes before politics, and he is willing to cross the aisle to pass legislation that is good for our state and our citizens.

Make no mistake; Senator Atwater ardently pursues the principles of his party. He is firm in his beliefs, but he does not dismiss the ideas of others.

Senator Atwater is a Republican, but he recognizes that we are Americans first, Floridians second, and particularly now at this difficult time, we are partisan Republicans and Democrats last.

And he knows when to set aside the political battles in order to unite and effectively serve our citizens together.

Senator Atwater's commitment to principles is evident in his policy-making.

I worked closely with the Senator on the Protecting Florida's Investments Act, legislation which, since its passage last year, has led to the divestment of over \$1 billion in state pension money previously invested in companies which put profits ahead of principles by contributing to the genocide in Darfur and by making it easier for Iran to develop nuclear weapons.

Senator Atwater stepped forward to lead this effort, displaying throughout the legislative battle his commitment to the principles of democracy, dignity, integrity, and freedom. He spoke eloquently on and off of the Senate floor about the need for this state to take action to protect our troops and ensure our national security, and he placed our efforts in a historical context that helped strengthen the case. That was principled leadership.

His passion for public policy is evident in his willingness to dedicate the time necessary to grasp and understand technical issues. He studies the issues and always considers how the policies that we debate will impact Floridians' daily lives. And when he believes in a policy, he perseveres until he builds consensus.

Florida is a diverse state, and our Senate is equally diverse. From the Gulf shores of the Panhandle to the beaches of the Keys, and including Broward and Palm Beach Counties, the areas Senator Atwater and I are honored to represent, the citizens of our state have a set of distinct yet varied interests and passions; it is our challenge to represent our constituents well. It will be President Atwater's challenge to ensure that we face each day with an eye toward the common good for our Florida citizens, permitting important debate, yet forging consensus necessary to move us ahead.

Despite the challenges that face our state and this Senate, I am confident that Senator Atwater has the patience, the understanding, the dedication to good public policy, and the determination to lead this great body at this difficult time.

For these reasons, it is my honor to second Senator Atwater's nomination for Senate President.

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

ELECTION OF PRESIDENT

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

The vote was:

Yeas—39

Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

OATH OF OFFICE ADMINISTERED

On motion by Senator Diaz de la Portilla that a committee be appointed to escort Senator Atwater and his wife, Carole, and their children to the rostrum, President Pruitt appointed Senators Diaz de la Portilla, Aronberg, Bennett, Garcia, Jones, Hill and Wilson. Senator

Atwater was escorted to the rostrum of the Senate where the oath of office was administered by The Honorable Peggy Quince, Chief Justice, Florida Supreme Court.

President Pruitt presented the gavel to President Atwater, the 83rd President of the Florida Senate since statehood.

PRESIDENT ATWATER PRESIDING

President Atwater: President Pruitt, this Senate, and I assure you, this President is not finished with you yet, sir. There is so much more that you will give; there is so much more that you will offer.

Ken Pruitt has been a one-man optimist club. He tells you it is morning in America every day. You have all heard him give the phrase, “Even in our toughest day, chin up, shoulders back, we press on.” Even in his longest day, he carried us on his back.

Members, it is an honor to hand back to this man, for this family to now hold forever and a day, a gavel that was made by our own Sergeant at Arms’ family. To the man who carried it well with all of its weight but offered it with all of the grace. Members, please join me in expressing our gratitude to this man, our President, Ken Pruitt.

Mr. President, there is one more the thing we wanted to provide you. We know you are a deep lover of Florida history. That must express your genuine desire to shape its future. We want to present you with a map of 1822 drafted for Florida as we began our entry into the United States as a United States territory. The map has changed much, and because of your presence, it will change much more in the future. This is yours, Mr. President, the map of Florida of 1822.

COMMITTEE RECEIVED

A committee from the House of Representatives composed of Representatives Rivera, Evers, Culp, Brandenburg, Llorente, Galvano and Gibson was received and informed the Senate that the House of Representatives was convened for the purpose of organization. The committee then withdrew from the chamber.

NOMINATIONS FOR PRESIDENT PRO TEMPORE

The President announced that nominations would be received for President Pro Tempore of the Senate for a term of two years and recognized Senator Haridopolos who placed in nomination the name of Senator Mike Fasano of the 11th Senatorial District.

Senator Haridopolos: I rise to place into nomination the name of the Senator from the 11th District, Senator Fasano.

He loves his New York Mets. He loves his Tampa Bay Lightning. Every day he shows his dedication to his family. He is a man of action. He is a man of faith and determination. Our friend, Mike Fasano, is truly dedicated to this state and to his community. Seniors and Savers, is not just a cliché with Mike Fasano; it’s the very people that he represents every single day here in the Florida Senate.

He is a man of integrity and intensity. Those of us in the 2000 Class in the Florida House know very well his intensity. Senator Atwater, Senator Baker, Senator Bennett, Senator Gelber, Senator Gardiner, Senator Joyner, Senator Justice, Senator Rich, Senator Siplin and I all had the opportunity to come to the Florida Legislature in 2000. He led us that first year. Now times have changed as we have our own presiding officer in Jeff Atwater.

That intensity comes from pure love for this state and his community. He is the first man to arrive every single day in the Florida Senate. He is also probably the first guy to go to sleep the night before. Though he is in the Capitol early in the morning, his heart is truly in his community. I know Mike Fasano best because of the notes that always follow up our business. I think if you ever walk in his office, he’s answering emails personally, he’s writing notes personally, and he’s personally responding to the constituents that called his office that day to make sure that their needs were fulfilled.

As his good friend and former roommate would say, who sat in that very chair just last year, he’s a servant leader. That is what separates

Mike Fasano from others. I’m absolutely confident that you have made the right selection, Mr. President, in selecting Mike Fasano as your President Pro Tempore because he is a loyal person to you and, most importantly, to this incredible state that we live in each and every day.

It is my pleasure to nominate our great friend and a wonderful Senator who cares about his community every single morning, throughout the day, and goes to sleep every night making sure that he serves them better the next. I nominate our friend, Senator Mike Fasano.

The President recognized Senator Storms who seconded the nomination of Senator Fasano.

Senator Storms: Mr. President, I am honored to second the nomination of Senator Mike Fasano as President Pro Tempore. During our time working together in the Florida Senate and in our co-districts which are side-by-side, I believe we have a mutual admiration for the issues we advocate and believe. My good friend, Senator Fasano, has been a strong conservative voice during his many years in the Legislature, yet he has the unique ability to bring two sides together to come to a common understanding on complex issues that face all Floridians. As President Pro Tempore he will work long and hard to help unite our chamber yet remain faithful to his own principles and vision for our state as he leads us on your behalf, Mr. President.

As your voice, Mr. President, Senator Fasano will stand ready to assist in any way that he can to advance your policies and priorities and will do so with enthusiasm and professionalism. Senator Fasano is a tireless worker and will do all that he can to ensure that Floridians are treated fairly and with compassion, yet understanding that the role of government in people’s lives is and should be, a limited one. He subscribes to President Ronald Reagan’s belief that “Government’s first duty is to protect the people, not run their lives.” His legislative career is a testament to that maxim.

Mr. President, in seconding the nomination of Senator Fasano as President Pro Tempore, I am affirming that he is uniquely qualified to assist in carrying out the goals you have set for the next two years. We will face many challenges in the coming months and need someone who can help bring us together so we can act as one. Senator Fasano is that individual. I am pleased to ask for this chamber’s confirmation of the nomination of Senator Fasano as President Pro Tempore. Thank you, Mr. President.

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

ELECTION OF PRESIDENT PRO TEMPORE

The roll was called on the election of the President Pro Tempore and each Senator voted in the affirmative by saying “Mike Fasano.”

The vote was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

OATH OF OFFICE ADMINISTERED

On motion by Senator Wise that a committee be appointed to escort Senator Fasano to the bar of the Senate and to the rostrum, the Pre-

sident appointed Senators Wise, Gaetz, Joyner, Justice and Oelrich. Senator Fasano was escorted to the bar of the Senate where the oath of office was administered by The Honorable Peggy Quince, Chief Justice, Florida Supreme Court, and then to the rostrum where he was received by the President and seated.

President Atwater: Senator Fasano, thank you for accepting our call to serve as the President Pro Tempore of the Florida Senate.

Life has offered you no easy road. Tragically, time with your father was far too abbreviated. Yet the quality of his common touch in his honest work and the love and determination of a mother's heart have shown to be an enduring gift which is evident in the urgent nature of your work and the tenaciousness under which you take your call to public service. You have among so many Floridians, friends who support you this day because of how much you have given and invested in them.

I thank you once again for saying yes to this call to service. Members, I present to you your President Pro Tempore, Senator Mike Fasano.

ADDRESS BY PRESIDENT PRO TEMPORE

Senator Fasano: Governor, Lieutenant Governor, members of the Cabinet, Chief Justice, Mr. President, Senator Haridopolos, Senator Storms, and fellow Senators, thank you very, very much.

Senators, words could never describe how honored I am to be standing before you today as your Senate President Pro Tempore. I had asked my staff if I should include the line "would someone please slap me, this can't be real," but then it occurred to me that some of you may actually take me up on that!

First and foremost let me thank President Atwater for the opportunity to serve as President Pro Tempore. President Atwater, you have already proven that you are a man of unshakable faith and character and who has never been afraid to do what is right for not only the people of your district but for the people of Florida. I am honored and humbled at the great privilege you have offered me to serve. I pledge to you Mr. President, and to my fellow Senators, that I will be loyal to this body and will serve each of you to the very best of my abilities.

Let me also thank President Pruitt. President Pruitt, you have been an unbelievably stable force for the Senate. Your caring and selfless ability to lead this chamber with pure humility is a testament not only to what kind of elected official you are, but what kind of man you are. I look forward to continuing my service beside you, Mr. President, and am so incredibly honored, as are many others here today, to be able to call Ken Pruitt my friend.

What a wonderful day it is for Florida's democracy. Just 14 days ago, citizens across this great state of ours were given the chance to participate in the greatest process known to mankind. This process is so sacred that men and women alike have protected, fought and died to keep it. Even more humbling is the stark reality that while I stand here this very moment, there are Americans -*FLORIDIANS*- who've left their families, spouses, young children, and are sacrificing their own safety, so that millions and millions of people, whom they will never know, can live with *pure* liberty. It is these men and women who make America so great. May we never, *ever* forget that which allows us the ability to organize here today—*DEMOCRACY*. And may the men and women of our Armed Forces, both here at home and overseas, always remain in our prayers and receive the utmost respect and the unlimited gratitude they deserve from each of us.

It's this democracy, my fellow Senators, that is the lifeblood that keeps the heart of our nation's soul pulsating, and gives everyone a chance to succeed. I, maybe more than anyone in this chamber, am a perfect example of how someone, with no formal education, no college degree, a high school dropout, was given the chance to succeed. I was elected to the Florida House of Representatives in 1994 and served eight years. I've spent the last six years in this great body, the Florida Senate, where now, unbelievably, I am being given the honor of serving as President Pro Tempore.

I love our country because there are thousands of stories like this heralding what can happen when someone works hard, embraces personal responsibility, and believes that they are no better *or* worse than their neighbor. America affords anyone the chance to make a difference

in our communities. No one can take away our God given rights as Americans to succeed if we work hard and do what is right. These are traits that I learned from my mother, a WWII war bride and who is here today. May I introduce her, she's in the gallery. My dad was a butcher from New York. I will never be able to express how grateful I am at the opportunities I have been given just because I am an American.

Fellow senators, we are here today for one reason and one reason only, to do the people's work. Let us never lose sight of this and embrace the simple reality that our place in this chamber is only temporary, that the title of "Senator" is granted to us from the people, the people who expect and depend on us to come here each and every day and act in their best interest, making sure that the decisions we make will have a positive impact on their lives. The very same people that, while we sit inside this chamber, are the ones that are out there making Florida a better place to live, and a better place to work, and a better place to raise our families. While we may walk these halls of our storied Capitol for 60 days out of the year, it is the teacher, the policeman, the landscaper, the nurse or the senior citizen that we were sent here to fight for. Most Floridians don't have time to come see us or have the means to pay a lobbyist to represent their interest; that is what *WE* are sent here to do. And may we always remind ourselves of this great, great responsibility that we have accepted on their behalf.

So today, despite all the big speeches, the important visitors, the pretty flowers and vast formalities, we must realize that when those doors close for 60 days next year there will be 18 million Floridians *depending* on us, "the Florida Senate," to do what is right and in their best interest.

Yet the task at hand is a serious one. We have been sent here by our constituents to find the answers and act in their best interest. And while it is *NOT* government's responsibility to secure the well-being of all its citizens, it is our *moral* duty as humans and our *binding* responsibility as Senators to utilize the power granted to us by the people to ensure that those who sent us here are well represented. Ladies and gentlemen, we are obliged by the oath we take to protect and make Florida a better place to live for her people. And while we all come from different backgrounds, different districts, with different constituents, we are still bound by the same task at hand and we must work together as Senators, as one, to address the needs of this great state.

Ladies and gentlemen, we must utilize everything that is good about this Senate to solve the challenges. The Senate is a grand body. It is a body that functions not out of politics nor process. The Senate is not a tool for the advancement of political agendas or grandstanding. It has never been a political chessboard that plays out rival agendas. Nor is the Senate a body that operates out of fear or arrogance. Our state Senate operates out of principle and necessity, embracing a collegial pragmatism that is meant to produce sound policy for the people of Florida. We are loyal to our process and understand that we all hold very dear our own guiding principles while respecting our colleague's voices. We will not always agree in this chamber. We will not always support one another. But most especially during the months ahead, we must realize that no one person, Senator or agenda is more important than another's. That we are all in this together and as a body we *MUST* find the best solutions for our state. This, my fellow Senators, is why we *MUST* remember why we are here. We must have an unwavering commitment to the people of Florida. This body, the Florida Senate - made up of average Floridians convening for a single set of purposes - has always responded to the challenges and I know, beyond a shadow of a doubt, that we will do so again under the leadership of President Atwater.

For the months ahead and for 60 very important days in 2009, may God bless us with sound judgment, limitless patience, and ultimate clarity in addressing the work on behalf of the people of Florida.

President Atwater, thank you again for this privilege and thank you fellow Senators for the opportunity to serve this body. It is my hope that I will serve you, this body and the people of Florida as is deserved, and I pledge that I will always work to never lose sight of my responsibility. You see sadly, sometimes government forgets who it represents - let's make a pledge we never will!

May God bless you, your families, and the great State of Florida.

CERTIFICATE RECEIVED

By direction of the President, Philip Twogood, of the Office of Senate Secretary, read a certificate from the Minority (Democratic) Party certifying the name of Senator Alfred "Al" Lawson, Jr. as Minority Leader and Senator Charlie Justice as the Minority Leader Pro Tempore for the 2008-2010 term.

Senator Lawson: Thank you, Mr. President. It is an honor to serve with you and Senator Fasano. I'm also very honored to serve with Senator Justice. This morning in the comments about you, we heard about the upcoming two years and how hard it is going to be. But I am thinking about a year ago when we were in Philadelphia. You took me on that historic tour that I will never forget.

I will say to you that one of the great presidents of all time stated, "People will little notice, nor long remember, what we say here. But they will never forget what we did here." I truly believe that with your leadership that the people in the State of Florida will never forget what we are going to do the next two years.

I also would like to recall what one great philosopher and religious leader, Dr. Robert H. Schuller, stated, "Tough times never last but tough people do." I think we have that caliber of tough people in the Florida Senate, especially in the Democratic Caucus. I pledge, along with the caucus, to work extremely hard over these next two years to make sure that we serve the people of the State of Florida the best that we can.

In my 26 years of serving the people of this state, I recognize the fact that we have some of the best talent in the Democratic Caucus that I have ever seen. They are anxious, ready, and willing to go to work and to help you, and our colleagues across the aisle, to be successful.

To the Governor of the great state and the Lieutenant Governor, whom I consider to be very good friends, the Supreme Court Justices, and former Governor Reuben Askew, we look forward to working with you on those issues. Governor, I almost endorsed you. My wife really likes you! I guess in a way I did endorse you. I would like to say that we, in the caucus, look forward to working with you and the Lieutenant Governor on all of the major issues we will confront in the coming years.

I would like to thank my colleagues for electing me as Democratic Leader. Mr. President, I would like to thank you. I look forward to working with you.

ELECTION OF SECRETARY

The President announced that nominations would be received for Secretary of the Senate for a term of two years and recognized Senator Lawson who placed in nomination the name of Robert Philip Twogood.

Senator Lawson: Mr. President, I rise to nominate Robert Philip Twogood as Secretary of the Senate.

It's not every day that you get the opportunity to say that someone is too good, but this is truly a great opportunity because we have run across one that is too good to serve as Secretary. And this is Dr. Twogood. I would just like to give some brief remarks, Mr. President.

During the last 17 years, Phil Twogood has held a variety of positions with the Florida Senate and the House of Representatives. Some of these positions included Senior Staff Director of the Senate Rules Committee; Policy Advisor to the Senate President, Deputy Chief of Staff for the Senate, Senior Staff Director of the House Rules and Calendar Committee, House Rules Ethics and Elections Committee, and Executive Director for the House Governmental Responsibility Council.

Prior to coming to work for the Legislature, Dr. Twogood was Assistant Professor of Public Administration at both the University of North Florida and the University of Texas at San Antonio, (that was a school I couldn't get into), where he taught graduate studies and public management, and public policy analysis.

He is a graduate of New College in Sarasota, and holds a Master's degree and a Doctorate from the University of Virginia.

Members of the Legislature, I've had the opportunity to work with him both in the House and in the Senate and had the opportunity to call on

him many times. I've never seen an individual who never gets excited during debate, during hard economic times, with members throwing things at him from all angles, but is willing to grasp whatever is going on to make a difference. This is the best choice that you could ever make, and many of you will find out how important the Secretary's office is in the Senate, to have someone that you can depend on. But more than that, he is a scholar in his own right, a real scholar, someone who you can depend on, someone who knows everything that is going on all the time. The Senate President will be rewarded by such an appointment. I am honored to enter his name in nomination for Secretary of the Senate.

The President recognized Senator King who seconded the nomination of Secretary Twogood.

Senator King: Phil Twogood and I came across each other in 1986 when I was running for the House of Representatives and he was teaching at the University of North Florida. It's ironic how many times our paths crossed as he came into the Legislature after I got elected. He was staffed in the Minority Office when I was there. He came over to the Senate before I did. He then became my Chief of Staff when I became Rules Chair. Throughout those 17 years we have developed a bond of friendship and a bond of reliance.

I cannot tell you, as the past Rules Chair, how many times Phil stepped in and saved my bacon. I will tell you we are indeed very lucky to have him as our Secretary. Secretary Blanton left big shoes but I will guarantee you we are about to select a person who can readily and ably fill them.

One of the things people need to recognize about Phil is that he is a great husband and an outstanding father. His wife, Vicki, and his son, Sean, are here today in the gallery and I want to recognize them.

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

By unanimous consent of the membership, Robert Philip Twogood was elected Secretary of the Senate for the 2008-2010 term.

OATH OF OFFICE ADMINISTERED

Secretary Twogood was administered the oath of office by The Honorable Peggy Quince, Chief Justice, Florida Supreme Court.

RECOGNITION OF SERGEANT AT ARMS

The President recognized Senator Pruitt who thanked Donald Severance, Senate Sergeant at Arms, for his dedication and service to the Florida Senate.

Senator Pruitt: Senators, there are a lot of traditions around the Senate. One of our most proud ones is the position of Sergeant at Arms. He and his professional staff do a great job. You can't say, "Sergeant at Arms" without mentioning the name "Donald Severance."

As the new Senators can attest, first impressions are the most lasting ones. When we are elected, we have the most interaction in the beginning with the Sergeant at Arms' office. I can say that, not only are they consummate professionals, but they also have a great leader as well.

Donald Severance has been with the Sergeant's Office for 33 years. He is a distinguished member of the Florida Highway Patrol. He is a veteran of Desert Storm, protecting our nation. Along with the many accolades he has, he has saved a life along with a nurse from the clinic. We are very thankful that he was there to make that happen.

It is said that there is no one person who is bigger than the institution but, literally and figuratively, if there is one that is the exception to that, it would be our very own Donald Severance.

Senators, we know that there is no finer southern gentleman than our very own Sergeant at Arms, Donald Severance.

COMMITTEE APPOINTED

On motion by Senator Gardiner that a committee be appointed to notify the House of Representatives that the Senate was convened for the purpose of organization, the President appointed Senators Altman,

Bullard, Dean, Detert, Richter, Smith, Sobel and Gardiner. The committee was excused.

ADDRESS BY PRESIDENT

This is truly a moment where I stand before you with a servant's heart and the deepest of gratitude.

I am honored by the trust and confidence you have shown in selecting me as the 83rd President of the Florida Senate.

The portraits of those men and women who encircle this room bear witness to the service and commitment of those who have preceded me, and are a constant reminder of the significance and gravity of this post.

I want to thank Senator King, Senator Lynn and Senator Deutch for their kind words offered before the Senate this day and for their willingness to place my name in nomination to serve as your Senate President.

Chief Justice Quince, thank you again for being here today and for administering the oath for the Senators and myself.

I must say a special word about my good friend Ken Pruitt. Ken has been a stalwart friend and a public servant of the highest integrity and honor.

I have learned from him, laughed with him, fought the good fights on issues he cares deeply about in the Florida Senate.

Ken is the very model of how a Senate President should lead: with honor, integrity and a complete commitment to the needs of the people of Florida.

His shoes are going to be hard to fill, but I want Ken and every member of this chamber to know of my sincere admiration for his leadership and his courage.

I will still seek his counsel, his wisdom and his friendship in the months and years to come.

It was a true honor to accept this gavel from you, Ken, and to present you with the gavel you have used in your distinguished tenure as Senate President.

President Pro Tempore, Senator Mike Fasano, thank you again for accepting our call to serve as the President Pro Tem. Friends, please join me in once again thanking our President Pro Tempore, Senator Mike Fasano.

Serving as Senate President will afford me the distinct pleasure of working with two of the finest public servants our State has produced in its distinguished history.

Governor Crist, your unflinching work ethic and bold commitment to open, inclusive leadership is truly inspirational and raises the bar for all elected representatives of the people. You are truly the People's Governor.

To Speaker Sansom: I could not have wished for a better counterpart in the Florida House of Representatives. In times like these, it is good to know the individual across the rotunda is a sincere, calm, intelligent and decent human being, genuinely dedicated to building a better Florida.

Before I go further, I must acknowledge my inspiration, my heart, the foundation of my service and the core of my life: my wife, Carole, and our children Amy Leigh, John Broward, Amanda Marie and Courtney Anne.

You have filled my life with so much joy and pride, made me a better man and shown me that there is no higher calling than being a husband and a father.

Any success I may attain...any recognition given to me... any note in history that bears my name is a reflection of what you have helped me become.

I can never adequately thank you for your sacrifice and love.

I wish to extend a word of gratitude to my brothers and sisters (Mike, Enid, Patti, Doug and Broward, who is unable to be with us today) and my wonderful mother, Patricia Hardee of Jacksonville.

We grew up, six kids...mom and dad...a three bedroom, one-bath home.

To mother, life is lived in the context of poetry.

For dad, life was defined by duty, service, discipline and punctuality. Dad was an Eagle Scout, a Notre Dame man, a WWII fighter pilot and a Special Agent in the FBI who lived by the motto, "Never let the rising sun catch you in bed."

Sunday mornings before dawn belonged to dad. He prepared breakfast. We got one egg, two strips of bacon, slice of toast and grits...lots of grits.

He lined us up in the kitchen, conducted a review of our church attire (and then he usually sent Patti and Enid back to their rooms to try again).

He called our names, held out our plates and thundered the words: "Grab it and growl." Such was the way we began each new week at sunrise.

The lesson from dad, was not about grabbing our plate before it got cold, the lesson was far deeper, far more profound. We were to accept responsibility for making things around us just a little bit better and we were to seize that task with certainty, determination and enthusiasm.

We were to assess the challenge before us, and we were to "grab it and growl."

Mother spent some time in the kitchen as well. Her specialty was a peanut butter and banana sandwich. She called it a "Southern Dish."

But to earn this treat we had to first recite one of her favorite poems from memory: "Casey at the Bat" by Ernest Thayer or "The Children's Hour" by Longfellow.

But I knew her heart was with Rudyard Kipling so to win her favor and to earn my lunch I would drop on her a little of Kipling's legendary poem: "If".

"If you can fill the unforgiving minute

With sixty seconds' worth of distance run—

Yours is the Earth and everything that's in it,

And—which is more—you'll be a Man, my son!"

Mother, for poetry, and all that you and Dad offered the six of us with unending devotion, thank you.

To all of my family, here is what I do know: Not only have I placed my name on the ballot to be tested, scrutinized, weighed and measured, I put your last name on the ballot as well. By my assessment of these contests, any goodwill I have been extended by the good people of Palm Beach and Broward County, any benefit of the doubt I may have been granted is a far greater reflection of your noble and generous service to our hometown than it is mine.

For bearing the burden of the path I have walked and never leaving me to walk it alone, for being with me today, as you always have, I say thank you. Know that I love you.

Members, I would also like to recognize my friend, Senator Al Lawson. Senator Lawson and members of the Democratic Caucus, I look forward to working with you, and thank you for your show of support.

When the polls closed on November 4th, the election season ended.

Today, we begin anew. I pledge to lead with the respect that defines this institution and preside with an open mind and an open door – and I know that you are committed do the same. Senator Lawson, we thank you for your leadership.

In September of 1806, thirty-two men of undaunted courage were led by the remarkable Meriwether Lewis and William Clark in their historic survey and mapping of the western territories of North America.

The Lewis and Clark expedition was a venture into an unknown vastness, full of unimaginable danger and incalculable risk, requiring a courage and commitment possessed by a very special few.

The secret of the expedition's success, the number one human lesson we must take away from their endeavor, is what can be accomplished by a team of disciplined individuals who are dedicated to a common purpose.

That spirit of exploration and courage has defined the American character for over 200 years. Their example inspires me as I stand before you today.

In Florida's long history we have faced many challenges, in war and in peace.

Florida's sons and daughters have fought to defend this nation in conflicts around the world, from the beaches of Normandy to the skies over Germany... from the frozen hills of Korea to the jungles of Vietnam... and even today in the streets of Baghdad and in the mountains of Afghanistan.

We have launched men and women into space from our shores...and we have welcomed to these shores those who took the dangerous journey to escape oppression in search of freedom.

Floridians are a people eager to embrace the challenge of the future. Our energy, our enthusiasm and drive create a state of boundless opportunity. We are a people restless to build a future for the world to envy.

We have borne burdens, faced challenges and grown and prospered in ways that surely show the blessings of the Almighty.

Today, I want to speak to you directly about the most important issue of our time: Florida's economy.

As Senate President, my goal will be to help Florida emerge from this economic challenge with an economy – and government – structured for growth, focused on job creation and retention, resilient in times of crisis and responsible to the people of Florida.

Today, and for the coming years, we face unprecedented economic obstacles. These times call for action – our work to confront these challenges cannot be deferred and cannot be delayed.

Floridians are hurting. They have seen secure jobs disappear and a stock market collapse that has hit our seniors the hardest.

The people of this great state have the potential to overcome the current economic challenges...I have no doubt of their ability and desire to work hard and to grow this economy again. We have seen their drive and spirit too many times to doubt it.

We must build a government that honors their hard work...and a government that plays its part in this recovery.

As Florida families have been forced to tighten their belts to the point of pain, so must their government.

From tax policy to regulation, Florida government – at the state, county and local level – is increasingly seen as spending too much, taxing too much and holding back the growth of our economy in a tangle of regulation and bureaucracy.

Our Government must encourage entrepreneurship, not impede it. It must serve not as an anchor, but as a sail.

Our work in the Senate can serve as an example to government at every level, and that work must begin today.

To that point, my first act as Senate President will be to appoint a select bi-partisan panel of Senators who will assist me in an independent, thorough analysis of the strengths and weaknesses of Flor-

ida's financial infrastructure. We will identify immediate steps to help jump-start Florida's economy.

This panel will call upon business leaders, small-business entrepreneurs, academic and economic experts and the local employers who drive our economy to participate in the discussion. We will seek their immediate input, ideas and recommendations.

This is not a government panel with an open-ended calendar and vague mandates. This is a crisis, and will be treated as such: the work of this panel is vitally important and will begin immediately. It must complete its first and urgent phase of work prior to the opening of the regular session.

We will quickly offer their recommendations as a package for the consideration of the Senate. Some of these recommendations may require more than legislative action and as such may be considered as future Constitutional initiatives.

While we do not take Constitutional changes lightly, let no one doubt our seriousness and determination to structure these reforms in a lasting manner.

Each of you have at your desks a map of Florida from our entry as an official US Territory in 1822. It was a time when strength and courage was demanded of Florida's pioneers.

As we face the challenges ahead, I would like each of you to look to this map and take heart, reminding yourselves of the courage and foresight of those who came before us.

Senators, it is during periods of adversity and hardship that great leaders emerge. As I survey this room, I am more confident than ever that time and history have blessed us with the team of leaders we need to succeed.

And succeed we shall.

The challenges Florida faces today present us with the opportunity to define a bold new future.

Education is the cornerstone of human potential and economic vitality. Florida's commitment to education has shown remarkable progress in the past decade under the leadership of Governor Bush, Governor Crist and the Legislature. But the real heroes remain the hard working teachers all across Florida.

Yet our work remains incomplete. We must commit our brightest minds to developing a system that engages our children and families from early childhood through graduation, promoting a seamless delivery of intellectual capital to a vibrant economy.

In this, I am reminded of Abraham Lincoln's explanation of government, "... the leading objective of government ... (is to) ... elevate the condition of men – to lift artificial weight from all shoulders; to clear the path of laudable pursuits for all; to afford all an unfettered start and fair chance at life."

Our educational system must reach all children, produce consequential results and create schools that lead the nation in graduation rates, college entrance exam performance and alternative career paths that offer real opportunities for Florida's youth.

Senators, we will also work to continue and expand Florida's vital preservation of the Everglades and other threatened ecosystems.

Men and women of far greater poetry than I can muster have spoken eloquently about the profound beauty and irreplaceable role of the River of Grass, and my commitment to saving the Everglades, protecting its habitat, its waters and its role as a unique ecosystem is unshakable.

Senators, Florida must become a national leader in managing competing land use, water conservation demands and ecosystem protections.

Unless we meet this challenge, we will be left with nothing but memories and regrets about the lost beauty of Florida.

I envision a future when people from across the globe will come here to study, research and learn from us how best to balance the equally le-

gitimate demands of economic vitality that comes from responsible growth and conservation initiatives that ensure long term sustainability.

Senators, let us come together to draft the new map of Florida's future.

The bold explorer Magellan, may have best described our duties of the day: "The sea is dangerous and its storms terrible, but these obstacles have never been sufficient reason to remain ashore... Unlike the mediocre, the intrepid spirit seeks victory over those things that seem impossible... It is with an iron will that they embark on the most daring of all endeavors... to meet the shadowy future without fear and conquer the unknown."

We too must chart a new course. There are no maps to guide us, save for those we create together...and even the map we create will never be completed...that is the work of future generations.

The map we create is our legacy to those generations.

So, Senators...what map will we create for them?

Will they see that we not only weathered the economic challenges of today, but built a foundation that made Florida's economy a national model for sustainable economic growth?

Will they locate on our future map the finest research universities in the country?

Will they point with pride to the place on that map where leukemia, Alzheimer's, autism or cystic fibrosis was finally conquered?

Will they see renewable energy technology at work powering a cleaner, more vibrant economy?

Will they smile with admiration as a record number of graduates of our urban center schools are recruited by the elite universities of our country?

Will they enjoy the quiet beauty of an environment preserved not in spite of our entrepreneurial culture, but because of it?

Senators, a national economic storm has cast us upon a sea of uncertainty. There is a long and difficult journey ahead.

But we were sent here by the people of Florida to lead.

We were sent here to navigate the uncertainty of these times.

We were sent here to set a bold course.

That is the course we will set.

That is the map I am asking you to create with me.

That is the journey I am asking you to take with me.

So, let us pursue it together, in the spirit of Lewis and Clark, as a disciplined and dedicated team with a common purpose; "let us elevate", as Lincoln encouraged, "...the condition of all men"; let us act with the urgency of Kipling's call to "...fill the unforgiving minute with sixty seconds worth of distance run."

Senators, let's "Grab it and Growl!"

Thank you and God bless you and God Bless the Great State of Florida.

COMMITTEE DISCHARGED

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

ADOPTION OF RULES

President Atwater: I have made two phone calls, one to Senator Fasano and one to Senator Villalobos, asking for guidance and leader-

ship as we proceed ahead. I want to assure you there are more phone calls to come. Members, let me say this, when the Rules Chairman of the Florida Senate stands, so stands the integrity of the Florida Senate. I could not be more excited in the man who has said yes to the call. Please join me in thanking Senator Villalobos.

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

On motion by Senator Villalobos, the Secretary was authorized to make any technical and conforming changes to the 2008-2010 Senate Rules that may be necessary to ensure uniformity with the amendments that were adopted today.

SUMMARY OF CHANGES AND FULL TEXT OF SENATE RULES AS ADOPTED

[See Page 12]

Rule 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

Technical change.

Rule 1.2—The President calls the Senate to order (*amended summary line*)

Technical change to summary line.

Rule 1.4—The President's authority and signature; questions of order; travel

Technical changes.

Rule 1.5—The President's appointment of committees (*amended summary line*)

Technical change to summary line.

Rule 1.7—The President's absence from the chair; duties of President Pro Tempore (*amended summary line*)

Technical change to summary line.

Rule 1.8—Election of the Secretary of the Senate

Technical change.

Rule 1.9—Duties of the Secretary at organization session (*amended summary line*)

Technical change to summary line.

Rule 1.10—Duties of the Secretary generally; keeps Journal (*amended summary line*)

Technical change to summary line.

Rule 1.17—Transmits bills to the House of Representatives (*amended summary line*)

Technical change to summary line.

Rule 1.18—Receives and delivers for reading messages from the House of Representatives; summaries of House amendments to Senate bills (*amended summary line*)

Technical change to summary line.

Rule 1.20—Attendance and voting

Clarifies how and when Senators may abstain from voting.

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

In addition to a technical change, clarifies requirements for registration of solicitation activities by Senators. Retains existing requirements for registration of solicitation activities for section 527 and 501(c)(4) organizations, and requires disclosure of contribution and expenditure data when required by law.

Rule 1.39—Disclosure and disqualification

Clarifies when a Senator may disqualify himself from voting, and when a disclosure concerning a vote during session must be filed.

Rule 1.42—Violations; investigations, penalties (amended summary line)

Clarifies the process for handling complaints against Senators. Requires that complaints must be based on personal knowledge of the alleged violations. A specific process is then provided. If the Rules Chair determines that the facts do not support a finding of probable cause, the complaint is dismissed. If the Rules Chair determines that the facts do support a finding of probable cause, an investigation by a special master is required. The special master must provide an opportunity to be heard, with reasonable notice, to the Senator against whom the complaint was filed, unless the investigation fails to find probable cause. The complaint must be dismissed by the Rules Chair if the special master's investigation does not support a finding of probable cause. If the complaint is not dismissed, the Rules Committee is required to consider the special master's report and recommendations, and grant the Senator an opportunity to be heard. If the Rules Committee votes to dismiss, the Rules Chair shall dismiss the charge. Otherwise, the Committee's report and recommendations are required to be presented to the President, who is required to present them, and those of the special master, to the Senate for final action.

Rule 1.43—Open meetings

Technical change.

Rule 1.44—Legislative records; maintenance, control, destruction, disposal, and disposition

Technical change.

Rule 2.1—Policy and steering committees; standing committees; standing subcommittees; select subcommittees (amended summary line)

Creates policy and steering committees, which are considered standing committees under the Senate Rules except when such committees meet for the purpose of setting a Special Order Calendar. The members of the committees will be appointed by the President. The 2006-2008 committee structure is deleted, and the Secretary of the Senate is directed to include the new committee structure in the published Senate Rules after the structure is released by the President.

Rule 2.6—Notice of committee meetings

Corrects a deficiency in the Rules to allow committees to meet the first two days of a regular session, provided the meetings have been noticed in a Senate calendar at least two days before and the day the meetings take place. Also makes minor technical and conforming changes.

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

Conforming change.

Rule 2.10—When, where committees meet

Conforming change.

Rule 2.11—Attendance by introducer of bill

Conforms Senate Rules to current policy regarding committee bills. Since committee bills may now represent agency packages as well as the results of committee interim projects, clarification is needed regarding which bills professional committee staff may present. This change limits such staff presentations before other committees to committee bills derived from interim projects only.

Rule 2.12—Order of business

Technical change.

Rule 2.13—Open meetings

Technical change which conforms this Rule to other Senate Rules.

Rule 2.15 —Standing committee in deliberation; reports (amended summary line)

Technical and conforming changes including changes to conform to current reporting practices.

Rule 2.16—Standing subcommittee in deliberation; reports (amended summary line)

Technical and conforming changes.

Rule 2.17—Quorum of committee

Conforming change.

Rule 2.19—Conference committee in deliberation; reports (amended summary line)

Removes application of subsection (2) to conference committees on appropriations. This rule is routinely waived every year for appropriations conferences. Makes other technical changes.

Rule 2.20—Appointment of Chair and Vice Chair (amended summary line)

Technical change.

Rule 2.21—Calling committee to order

Technical change.

Rule 2.22—Chair's control

Technical change.

Rule 2.24—Chair, Vice Chair; vote (amended summary line)

Technical change.

Rule 2.25—Temporary alternate to Chair

Technical change.

Rule 2.26—Vice Chair's duties (amended summary line)

Technical change.

Rule 2.27—Members' attendance, voting, proxy

Deletes redundant language. This issue is now covered in Rule 1.20.

Rule 2.28—Taking the vote

Technical change.

Rule 2.32—Motions; how made, withdrawn

In committee, allows a motion to reconsider to be withdrawn by unanimous consent of the committee members present. This change is designed to correct situations when such a motion is made or accepted inadvertently.

Rule 2.35—Reconsideration generally

Creates a new (2), which clarifies when a motion to reconsider and leave pending shall be taken up and considered. Clarifies that such a motion may include a vote on the confirmation of an executive appointment.

Rule 2.39—Amendments, proposed committee substitutes, and proposed committee bills; form, notice, manner of consideration

Eliminates the need for an introduction vote on each late-filed amendment in committee. Such a vote would only be required if requested by a member of the committee. Makes other technical changes.

Rule 2.44—Amendments by another committee

Clarifies that accompanying committee amendments must be included in a committee substitute unless the committee takes action to alter or negate the accompanying amendment.

Rule 2.45—Decorum and debate

Technical change.

Rule 2.46—Chair's power to recognize

Technical changes.

Rule 2.47—Interruptions; when allowed

Technical change.

Rule 2.48—Speaking rights

Technical change.

Rule 2.50—Limitation on debate

Technical change.

Rule 2.52—Questioning decision not to abstain (*amended summary line*)

Clarifies that the point of order on a conflict of interest relates to a decision of a member not to abstain from voting, rather than the right of a member to vote or not vote on a measure.

Rule 3.1—Form of bills

Conforms to new electronic approval system for the filing of bills.

Rule 3.7—Bill filing deadline during regular session; bill filing between regular sessions

Adds appropriations implementing bills, concurrent resolutions, and specified trust fund bills and public records exemptions to the list of bills which may be filed after the bill filing deadline, and removes joint resolutions from that list.

Rule 3.8—Filed bills; consideration between regular sessions

Removes archaic language and makes other technical changes.

Rule 3.9—Copies of bills

Technical and conforming changes.

Rule 3.12—Introducers of bills; introducers no longer Senators

Allows for electronic approval of bills for introduction. Also makes conforming changes.

Rule 4.1—Sessions of the Senate

Permits the Senate to meet until 8:00 p.m. without a waiver of the Senate Rules during the first 50 days of session, if so scheduled by the President. The 6:00 p.m. deadline is maintained for the last 10 days of regular session and for any extended or special session. Also makes conforming changes.

Rule 4.4—Committee of the Whole

Technical changes.

Rule 4.5—Conference committee report

Technical change.

Rule 4.6—Reference generally

Technical and conforming changes. Allows the appropriations bill, as well as all implementing bills, to be placed on the calendar without reference, and provides for review of bills on the calendar by the Rules Chair.

Rule 4.7—Reference to more than one committee; effect

Allows the President to review and change the references of a bill which is substantially changed by amendments in committee.

Rule 4.81—Claim bills

Clarifies that a claim bill may be referred to committee during the session, after receipt of the special master's report. Also, provides flexibility for hearing and consideration of claim bills involving wrongful incarceration issues.

Rule 4.10—Reference to different committee or removal

Provides that the policy and steering committee chair who makes the motion on the floor to withdraw a bill from a committee is the policy and steering committee chair of the group of committees from which the bill is being withdrawn, rather than the policy and steering committee chair of the group of committees to which the bill was first referred.

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

Allows a bill which is amended on third reading to be referred to the appropriate committee if the amendment adds a mandate or a retirement system impact to the bill. This provides consistency with Rule 4.8.

Rule 4.17—Special Order Calendar; Consent Calendar

Allows the policy and steering committees to meet during the fifteen days prior to session to set a Special Order Calendar for the first week of session. Allows the President, at the time of initial bill referencing, to designate a policy and steering committee for a bill other than the policy and steering committee the Rule specifies. Replaces the Majority Leader with the Chair of the Policy and Steering Committee on Ways and Means in the group of three members who may set a Special Order Calendar during the last 10 days of session. (The President Pro Tempore and the Minority Leader are the other two members.) Also allows the Rules Chair to submit a Consent Bill Calendar, with the approval of the President. Makes conforming changes with regard to a Special Order Calendar for the first two days of regular session.

Rule 4.19—Order after second (2nd) reading

Technical changes.

Rule 6.2—Motions; precedence

Technical change.

Rule 6.4—Reconsideration generally

Technical change.

Rule 6.5—Reconsideration; vote required

Technical change.

Rule 7.1—General form; notice; manner of consideration

Technical change.

Rule 8.1—Decorum and debate

Technical change.

Rule 8.4—Senator speaking, rights

Technical change.

Rule 8.6—Limitation on debate (*amended summary line*)

Technical change to summary line.

Rule 8.8—Questioning decision not to abstain (*amended summary line*)

Clarifies that the point of order on a conflict of interest relates to a decision of a member not to abstain from voting, rather than the right of a member to vote or not vote on a measure. This is consistent with Rule 2.52.

Rule 9.6—Violations; investigations, penalties (*amended summary line*)

Revises the process for handling complaints against lobbyists. Requires a sworn complaint based upon personal knowledge and detailed facts. A specific process is then provided. The Rules Chair makes an initial determination that the facts support a finding of probable cause. If they do not, the complaint is dismissed. If they do, the complaint is referred to a special master for investigation. The special master makes a determination as to probable cause. If the special master fails to find probable cause, the complaint must be dismissed by the Rules Chair. If probable cause is found, the special master must provide an opportunity to be heard, with notice, to the accused. The special master then files a report containing recommendations to the Rules Committee. The Rules Committee must consider that report and provide an opportunity to be heard, with notice, to the accused. If the Rules Committee votes to dismiss, the Rules Chair shall dismiss the charge. Otherwise, the committee's report and recommendations shall be provided to the President. The President must then present the committee's report and recommendations, and those of the special master, to the full Senate for final action.

Rule 10.1—Persons entitled to admission

Technical change.

Rule 10.2—Exception

Clarifies that a person other than a Senator who is granted floor privileges may not lobby on the floor.

Rule 12.7—Procedure

Technical changes.

Rule 13.6—Conference committee reports

Conforms this rule, which applies during special sessions, to the changes made to Rule 2.19, and makes other technical changes.

Rule 13.8—Special Order Calendar

Conforms this rule to the changes made to Rule 4.17 regarding the three members who set the Special Order Calendar during a special session. The three members are the President Pro Tempore, the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means.

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 *Constitution* ~~Constitutions~~ of the United States and the *Constitution 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—The President calls 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

(1) 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.

(2) 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 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.

(3) 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—The President's appointment of committees

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

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—The President's absence from the 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 Constitution of the United States and the Constitution 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—Duties of the Secretary ~~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 of the Secretary generally; keeps Journal

The Secretary shall keep a correct daily Journal of the proceedings of the Senate. The Senate 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:
- The order of business;
 - The committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute;
 - The status of each bill, i.e., whether on second (2nd) or third (3rd) reading;
 - Notices of committee meetings; and
 - 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 in-

roducer 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 a cumulative index by introducers.

1.17—Transmits bills to the House of Representatives

The Secretary shall transmit all bills, joint resolutions, concurrent resolutions, and appropriate memorials to the House of Representatives without delay. Each measure 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 the House of Representatives; 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**

(1) Unless excused for just cause or necessarily prevented, every Senator shall be within the Senate chamber during its sessions and in attendance at all assigned committee meetings 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.

(2) A Senator who is in the chamber or in a committee meeting shall vote on each question. However, a Senator may abstain from voting if, in the Senator's judgment, a vote on a question would constitute a conflict of interest as defined in section 112.312(8), Florida Statutes. A Senator who abstains from voting shall file the disclosure required by Rule 1.39.

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 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—Repealed

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 ~~subsection~~ ~~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. 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 other office other than Senator, or a political party. When required by law ~~Upon registration with the committee, the Senator shall promptly immediately create a public website that contains a mission statement for such organization, and the names of the Senators associated with that organization, and disclosure of contributions received by and expenditures made by the organization. All contributions received by the organization must be individually disclosed on the website within ten (10) business days of deposit, or as required by law. All expenditures made by the organization must be individually disclosed on the website within ten (10) business days of being made, or as required by law.~~

(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 is not disqualified from voting on a measure when, in the Senator's judgment, a conflict of interest is present. However, 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 concerning a vote during a session 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. Disclosure concerning a vote which was not cast during a session should be filed pursuant to section 112.3143(2), Florida Statutes.

1.40—Senate employees and conflicts

Senate employees shall be accountable to the intent of these Rules regulating conduct and ethics.

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 or shall emanate therefrom. A member of the Senate may submit a factual situation to the Committee on Rules 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; investigations hearings, penalties

(1) Any person may file a sworn complaint with the Chair of the Committee on Rules, or the President when the complaint is against the Rules Chair, alleging a violation by a Senator of the Rules regulating conduct and ethics. The complaint shall be based on personal knowledge, 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) alleged by the complainant to have been violated by the Senator. Upon a determination by the chair, or the President when the complaint is against the Rules Chair, that the complaint states facts supporting a finding of probable cause ~~there are sufficient grounds for review,~~ the complaint shall be referred ~~either to the committee or, at the option of the chair, or the President,~~ to a special master, ~~for a hearing.~~ Upon a determination by the Chair of the Committee on Rules, or the President, that the complaint fails to state facts supporting a finding of probable cause, the complaint shall be dismissed. The committee or special master may adopt rules of procedure for conduct of the proceedings. The ~~committee or~~ special master shall conduct an investigation, 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 unless the investigation fails to reveal facts supporting a finding of probable cause. A special master's report and recommendation is advisory only and shall be ~~presented~~ made to the chair, or the President when the complaint is against the Rules Chair, as soon as practicable after the close of the investigation hearing. If the special master's report and recommendation conclude that the facts do not support a finding of probable cause, the complaint shall be dismissed by the Rules Chair, or the President when the complaint is against the Rules Chair. If the complaint is not dismissed, the Committee on Rules shall consider the special master's report and recommendation, shall grant the Senator an opportunity to be heard, and shall develop its own recommendation. If the complaint is against the Chair of the Committee on Rules, the chair is excused and the vice chair shall conduct the deliberation. If the Committee on Rules votes to dismiss the complaint, the Rules Chair or vice chair shall dismiss the complaint. Otherwise, the special master's report and recommendation and the recommendation of the Committee on Rules shall be presented to the President. The President shall present the committee's recommendation, along with the special master's report and recommendation, to the Senate for final action. 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.

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, bill 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 record-

ings, 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—Policy and steering calendar committees; standing committees; standing subcommittees; select subcommittees

(1) The following policy and steering calendar committees are created:

- (a) ~~Economic Opportunities Policy and Steering Calendar Committee on Commerce and Industry~~
- (b) ~~Fiscal Policy and Steering Calendar Committee on Energy, Environment and Land Use~~
- (c) ~~Law and Justice Policy and Steering Calendar Committee on Governmental Operations~~
- (d) ~~Oversight and Procedural Policy and Steering Calendar Committee on Social Responsibility~~
- (e) ~~Responsible Regulation Policy and Steering Calendar Committee on Ways and Means~~
- (f) ~~Social Responsibility Policy and Calendar Committee~~

(2) A policy and steering committee shall be considered a standing committee under these Rules, except when a policy and steering committee is meeting for the purpose of setting a Special Order Calendar or where otherwise specified in these Rules. The membership of each policy and calendar committee shall include a chair appointed by the President, and the chairs and vice chairs of the standing committees within that policy and calendar committee's grouping. The President may also appoint the President Pro Tempore and the Majority Leader to the membership of any policy and calendar committee.

(3) 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. The President is authorized to create and designate permanent standing committees and standing subcommittees prior to the 2009 Regular Session. The President shall inform the Minority Leader of the creation and designation of said committees. The Secretary of the Senate is directed to include the names of such committees in the published Senate Rules.

- (a) ~~Economic Opportunities Policy and Calendar Committee's Grouping~~
 1. ~~Banking and Insurance~~
 2. ~~Commerce~~
 3. ~~Regulated Industries~~
 4. ~~Transportation~~
- (b) ~~Fiscal Policy and Calendar Committee's Grouping~~
 1. ~~Criminal and Civil Justice Appropriations~~

2. ~~Education Facilities Appropriations~~
3. ~~Education Pre K-12 Appropriations~~
4. ~~Finance and Tax~~
5. ~~General Government Appropriations~~
6. ~~Health and Human Services Appropriations~~
7. ~~Higher Education Appropriations~~
8. ~~Transportation and Economic Development Appropriations~~
- (e) ~~Law and Justice Policy and Calendar Committee's Grouping~~
 1. ~~Criminal Justice~~
 2. ~~Ethics and Elections~~
 3. ~~Judiciary~~
 4. ~~Military Affairs and Domestic Security~~
- (d) ~~Oversight and Procedural Policy and Calendar Committee's Grouping~~
 1. ~~Joint committees and commissions~~
 2. ~~Rules~~
- (e) ~~Responsible Regulation Policy and Calendar Committee's Grouping~~
 1. ~~Agriculture~~
 2. ~~Communications and Public Utilities~~
 3. ~~Community Affairs~~
 4. ~~Environmental Preservation and Conservation~~
 5. ~~Governmental Operations~~
- (f) ~~Social Responsibility Policy and Calendar Committee's Grouping~~
 1. ~~Children, Families, and Elder Affairs~~
 2. ~~Education Pre K-12~~
 3. ~~Health Policy~~
 4. ~~Health Regulation~~
 5. ~~Higher Education~~

(4) 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, and 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.

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, except committees may meet on the first and second days of a regular session provided a meeting notice was published in a Senate calendar and posted in the public corridor leading to the Senate chamber for at least two (2) days preceding and the day of such meeting.

(2) After the first fifty (50) days of any regular session ~~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 ~~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 ~~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, amendment deadline for, 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 President shall 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 6:00 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 President, no committee shall meet after the fiftieth (50th) day of any regular session except the policy and steering calendar committees.

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 President and notice of such assignment shall be posted by the Secretary of the Senate in the public corridor leading into the Senate chamber. No committee except the policy and steering calendar committees shall meet while the Senate is in session without the consent of the majority of the Senate present.

2.11—Attendance by introducer 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 professional staff shall be limited to presenting committee bills at committee meetings of their assigned committees and to presenting before other committees those committee bills which are the subject of approved Senate interim projects.

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

Except as otherwise provided in the Senate Rules, 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; reports~~

(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 or except as provided in Rule 4.7(2).

(2) Such reports shall also reflect:

- (a) The date, 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.

~~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 date, 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 ~~reported 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 names of the introducer(s) and co-introducer(s) of the original measure (or measures) shall be shown by the committee administrative assistant on the committee substitute unless an introducer and co-introducer requests that it be omitted. A committee substitute may be co-introduced 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 approved by the chair or, in his or her absence, the vice chair vice chair. Such reports 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. on 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 bill 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 and shall accompany the report. All measures reported unfavorably shall be laid on the table.

2.16—Standing subcommittee in deliberation; 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 date, 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.

(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 approved signed by the chair or, in the chair's absence, the vice chair vice chair and shall be made on forms prescribed by the Secretary of the Senate. Each report by a standing subcommittee must set forth the identifying number of the measure; if amendments are proposed by the standing subcommittee, the words "with amendments" shall follow the identifying number. Standing subcommittee amendments shall be printed in full on proper forms and shall accompany the report.

(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, policy and ~~calendar~~ steering committee, 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; reports

(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 (2) 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) A conference committee, other than a conference committee on a general or special appropriations bill and its related legislation, ~~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. 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 committee reports must be approved and signed by a majority of the managers on the part of each house. All final actions taken in a conference committee shall be by motion.

(4) Each conference committee 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 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 between 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 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 offices of the appropriations committees.

(7) All meetings for which notice is required pursuant to this Rule shall be held in the Capitol Complex, but shall not be held in the chamber of either house while it is in session.

(8) When any bill 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 ~~Vice-Chair~~

A chair and a vice chair ~~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 ~~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 ~~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 ~~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 ~~vice-chair~~ may require participants in the disturbance to clear the room.

2.23—Chair's authority; appeals

The chair shall approve 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 ~~Vice-Chair~~; vote

The chair and vice chair ~~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 ~~vice-chair~~ shall act during his or her absence.

2.26—Vice Chair's ~~Vice-Chair's~~ duties

On the death, incapacitation, or resignation of the chair, the vice chair ~~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 ~~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 reconsidered by 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. The mover of a motion to reconsider may only withdraw that motion with the unanimous consent of those committee members present.

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 delete and insert shall be deemed indivisible; a motion to delete, being lost, shall neither preclude amendment nor a motion to delete and insert.

2.35—Reconsideration generally

(1) 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.

(2) Consideration of a motion to reconsider a measure, including a vote recommending the confirmation of an executive appointment, shall be a special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned. Such motion may be made pending a motion to rise or if the time of adjournment has arrived. 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 shall be considered by that committee unless the amendment, proposed committee substitute, or proposed committee bill was prepared in proper form and 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 ~~must~~ may be filed with the committee administrative assistant at least 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 ~~must~~ may be filed with the committee administrative assistant at least 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, proposed committee bill, 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 if any member requests that such a vote be taken. 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 of a bill, or the resolving clause of 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 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. Any accompanying amendment

shall be included in a subsequent committee substitute unless altered or negated by committee action. 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 member Senator desires to speak or deliver a matter to the committee, the member 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 member Senator shall not address or refer to another member Senator by his or her first name. A member Senator shall use the appellation of Senator or such appellation and the surname of the member Senator referred to or addressed.

2.46—Chair's power to recognize

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

2.47—Interruptions; when allowed

(1) No member Senator shall be interrupted by another without the consent of the member 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~~ 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 member 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 decision not to abstain right to vote

A point of order questioning the decision of a member not to abstain from voting right of a member to vote on account of a conflict 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 approved by the introducer and backed in a folder-jacket ~~signed by the introducer(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, and enough of the title for identification.

(3) Bills that propose to amend existing provisions of the *Florida Statutes* (as described in Article III, Section 6 of the *State Constitution*) 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 contain the resolving clause: “Be It Resolved by the Senate of the State of Florida.” Concurrent resolutions shall contain the resolving clause: “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, implementing bills, local bills, Senate resolutions, concurrent and joint resolutions, and trust fund bills or public records exemptions which are linked to timely-filed general bills) 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 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 provide 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 made available to ~~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 a calendar 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 considered by a committee and reported to the Secretary during the interim 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 ~~consider and 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 ~~filed 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 ~~Fiscal Policy and Steering Calendar~~ 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 ~~Fiscal Policy and Steering Calendar~~ 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 approved for introduction introduced by a Senator or group of Senators whose names signature or signatures are affixed to the original, or by any committee with the name of the committee and the name signature of the chair of the committee affixed to the original. A bill introduced by a committee may be co-introduced by any Senator whose signature is affixed to the original. ~~The Fiscal Policy and Calendar Committee shall submit for introduction committee bills which represent the combined appropriations bills and implementing bills from the appropriations committees within its grouping. No amendments to the committee bills may be considered by this committee.~~

(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 provided by the President. This schedule shall set forth hours to convene and adjourn and may contain a schedule for the Special Order Calendars submitted by the policy and ~~steering calendar~~ committees. During the first fifty (50) days of a regular session, the Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 8:00 ~~6:00~~ p.m. Otherwise, the Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 6:00 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 Calendars
 - (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 location 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 of the Whole, 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 committee 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 committees 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. Any general appropriations bill and any appropriations implementing bills ~~bill~~ introduced by the Committee on Fiscal Policy and Steering Committee on Ways and Means Calendar may be placed on the calendar without reference.

(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 introducer. 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 introducer.

(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 prescribed by the Secretary provided for the purpose.

(5) Bills placed on the calendar shall be reviewed by the Chair of the Committee on Rules. The review of a bill that appears to be local in nature shall be by the Committee on Rules 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, 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 receipt by the Committee on Rules. When the Committee on Rules, 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 available for the calendar on local bills notwithstanding Rule 4.3(5).

4.7—Reference to more than one committee; effect

(1) 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.

(2) If a committee reports a bill favorably with committee substitute or with any amendment which substantially amends the bill, the President may change or correct the reference of the reported bill ~~committee substitute~~. Notice shall be given to the Secretary of the Senate and the introducer of the bill. Other committee consideration shall be directed to the reported bill ~~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 appropriate revenue or appropriations committee. All bills substantially affecting a state-funded or state-administered retirement system shall be reviewed by the Committee on Governmental Operations. 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* may, before being placed before the Senate for final passage, be referred by the President along with all amendments to the appropriate revenue or appropriations committee.

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 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 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 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, record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the Special Master who shall be available, in person, to explain his or her report to the committees and to the Senate.

(4) All claim bills shall be referred by the President to one (1) or more committees for review. On receipt of the Special Master's report and recommendations, if any, the Secretary shall, upon ~~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. This subsection does not apply to a bill which relates to a claim of wrongful incarceration.

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, setting Joint Rules of the Legislature, extending a session of the Legislature, or setting an effective date for a bill passed over the Governor's veto. 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 ~~a the~~ policy and ~~steering calendar~~ committee ~~for the committee to which the bill was first referred~~ may move for reference to a different committee or for removal from any committee within that policy and steering committee's group-

~~ing~~ after the introducer of the bill has filed a request ~~with that policy and calendar committee chair~~ signed by the chair of the affected committee, the chair of ~~that the~~ policy and ~~steering calendar~~ committee, 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

(1) 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.

(2) Concurrent resolutions used to recall a bill from the Governor's office, used to adopt Joint Rules of the Legislature, used to extend a session of the Legislature, or to set an effective date for a bill passed over the Governor's veto are exempt from the provisions of this Rule and may be introduced, read the first and second time and adopted on the same day.

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 ~~as provided under Rule 4.8 to the appropriate revenue or appropriations committee~~) 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 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 fifteen (15) days prior to ~~on the first (1st) day of~~ a regular session of the Legislature permitted under the *State Constitution*, each policy and ~~steering calendar~~ committee shall be responsible ~~only~~ for submitting a Special Order Calendar for the bills within its purview. These bills shall be defined as those which were first referred to a committee within that policy and ~~steering calendar~~ committee's grouping; however, the President may designate a different policy and

~~steering committee at the time of initial reference. The Fiscal Policy and Calendar Committee shall have the additional responsibility provided in Rule 3.12.~~

(2) A Special Order Calendar for consideration during each of the last ten (10) days of a regular session or any extension directed by the membership of the Legislature as permitted under the *State Constitution*, may be submitted by the President Pro Tempore, ~~the Majority Leader, and the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means.~~

(3) Except for a Special Order Calendar submitted for the first (1st) or second (2nd) day of a regular session ~~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.

(4) 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 date, time, and place for the establishment of the Special Order Calendars shall be published in ~~a Senate~~ the daily calendar; provided, during the last ten (10) days of each regular session notice of date, time, and place may be given by announcement from the floor.

(5) The Chair of the Committee on Rules, with the approval of the President, may submit a Consent Bill Calendar, ~~consisting of all bills designated by the policy and calendar committees as consent bills~~, to be held in conjunction with the Special Order Calendars. When such a day is designated, all bills appearing on the Consent Calendar shall be considered in their order of appearance. Amendments shall be limited to ~~accompanying~~ ~~accompanying~~ committee amendments, noncontroversial and technical amendments, and amendments required to conform a House companion bill to the Senate bill. However, if an objection by any member shall cause such bill to be temporarily postponed, it retains its order on the regular calendar. 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 approved by the President.

4.19—Order after second (2nd) reading

The order of disposition of a Senate bill that has been read the second (2nd) time ~~and amended~~ 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.

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 considered ~~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 delete and insert shall be deemed indivisible; a motion to delete, being lost, shall neither preclude amendment nor a motion to delete 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

The affirmative votes of 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 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 shall be considered by the Senate unless the amendment was prepared in proper form and 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 ~~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 introducer.
- (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 of a bill, or the resolving clause of a 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 any of 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 Senator ~~member~~ is speaking and another Senator

~~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 Senator member desires to raise is entitled to precedence, the Senator member originally speaking shall relinquish the floor until the question having precedence is disposed of. The Senator 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 on ~~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 decision not to abstain right to vote

A point of order questioning the decision right of a Senator not to abstain from voting member to vote on account of a conflict 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 Legislature.

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 pursuant to Rule 1.361(3).

9.4—Advisory opinions

(1) A lobbyist, when in doubt about the applicability and interpretation of Rule Nine (9) in a particular context, may submit in writing a statement of the facts involved to the Committee on Rules and may appear in person before said committee.

(2) The Committee on Rules 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.

9.6—Penalties for Violations; investigations, penalties

(1) Any person may file a sworn complaint with the Chair of the Committee on Rules alleging a violation of the Rules regulating the conduct and ethics of lobbyists. The complaint shall be based on personal knowledge, shall state detailed facts, shall specify the actions of the named lobbyist which form the basis for the complaint, and shall identify the specific Rule(s) alleged by the complainant to have been violated by the lobbyist. Upon a determination by the Chair of the Committee on Rules that the complaint states facts supporting a finding of probable cause, the complaint shall be referred to a special master. Upon a determination by the chair that the complaint fails to state facts supporting a finding of probable cause, the complaint shall be dismissed. The special master shall conduct an investigation, shall give reasonable notice to the lobbyist who is alleged to have violated the Rules and shall grant the lobbyist an opportunity to be heard unless the investigation fails to reveal facts supporting a finding of probable cause. A special master's report and recommendation is advisory only and shall be presented to the chair as soon as practicable after the close of the investigation. If the special master's report and recommendation conclude that the facts do not support a finding of probable cause, the complaint shall be dismissed by the Rules Chair. If the complaint is not dismissed, the Committee on Rules shall consider the special master's report and recommendation, shall grant the lobbyist an opportunity to be heard, and shall develop its own recommendation. If the Committee on Rules votes to dismiss the complaint, the Rules Chair shall dismiss the complaint. Otherwise, the special master's report and recommendation and the recommendation of the Committee on Rules shall be presented to the

President. The President shall present the committee's recommendation, along with the special master's report and recommendation, to the Senate for final action.

(2) 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. ~~Such said determination shall be made by a majority vote of the Senate, and on recommendation of the Committee on Rules. The Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated Rule Nine (9) 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 Rule Nine (9), the Joint Rules, and the *Laws of Florida*, and shall report violations. No committee member shall knowingly permit an unregistered lobbyist to be heard.

9.8—Lobbyist Expenditures and Compensation

Chapter 2005-359, *Laws of Florida*, amends existing provisions of the law relating to legislative lobbying at the state level in Florida and adds new and substantial obligations, prohibitions, and requirements.

This Rule provides assistance to persons seeking to comply with the letter and spirit of the new law as it applies in the legislative context by refining the law and providing Interim Lobbying Guidelines and answers to 25 Frequently Asked Questions. It also is intended to provide guidance to the legislative committees that will participate in enforcing the new law.

Part One of the Guidelines refines and applies the new prohibition, with ten clearly-stated exceptions, so that members and employees of the Senate can no longer directly or indirectly take any "expenditure" from a lobbyist or principal in either the public or private sector.

Part Two of the Guidelines refines and applies the underlying core requirement that "lobbying firms" must publicly disclose the compensation they receive for lobbying activities, and does so in a way that is narrowly-tailored, furthers the state's compelling governmental interest in regulating legislative lobbying at the state level, and employs the least intrusive means available to do so.

This Rule sets out general principles. Outcomes depend heavily on underlying fact patterns that can vary greatly from case to case. Full disclosure of the operative facts must be provided and considered before a proper and correct answer can be derived.

A member of the Senate may request an informal advisory opinion from the Senate General Counsel regarding the application of the new law and this Rule to a specific situation, on which the legislator may reasonably rely.

The houses of the Legislature are responsible for the administration and enforcement of the legislative lobbying portions of the new law. The legislative lobbying expenditure prohibitions are not part of the Florida Code of Ethics for Public Officers and Employees. Neither the Florida Commission on Ethics nor the Florida courts have jurisdiction to interpret these internal matters of the Legislature.

Part One—Expenditures

(1) General Guidelines

a) The Expenditure Prohibition

The new law contains a prohibition against lobbyists and principals making direct or *indirect* lobbying expenditures for legislators and legislative employees. It provides:

[N]o lobbyist or principal shall make, directly or indirectly, and no member or employee of the Legislature shall knowingly accept, directly or indirectly, any *expenditure*.... (emphasis added).

The new expenditure prohibition applies only to expenditures made by lobbyists and principals. It applies whether or not the lobbyist, principal, legislator, or legislative employee is in Florida. Florida's gift law, section 112.3148, *Florida Statutes*, continues to apply to gifts to legislators and legislative employees from others.

Example: A legislator may accept a subscription to a newspaper or periodical that is neither published by, nor paid for, nor provided by a lobbyist or a principal.

Example: A legislator may not accept a free health screening or other personal service provided on behalf of an association that is a principal.

Example: A legislator may, as either a member or an invited guest, participate in meetings of, and partake of the food and beverage provided by a civic organization if the organization is not a principal.

The practical effect of this law is to prohibit expenditures for attempting to obtain the goodwill of a member or employee of the Legislature, and it is not designed to prohibit expenditures made in attempting to influence legislative action or non-action through oral or written communication.

b) Definitions

"*Expenditure*" is defined, essentially, as anything of value made by a lobbyist or principal *for the purpose of lobbying*.

"*Lobbying*," in turn, means: (1) influencing or attempting to influence legislative action through oral or written communication ("active lobbying"); or, (2) attempting to obtain the *goodwill* of a member or employee of the Legislature ("goodwill").

"*Goodwill expenditure*" is a gift, an entertainment, any food or beverage, lodging, travel, or any other item or service of personal benefit to a legislator or legislative employee.

Goodwill expenditures include contributions or donations from a lobbyist or a principal to a charitable organization that is, directly or indirectly, established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof.

A "*lobbyist*" is 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.

"*Personal benefit*" means a profit or gain pertaining to, directed toward, or affecting a person.

A "*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*.

c) Honorarium-related Expenses

It is no longer permissible to accept from a lobbyist or principal, directly or indirectly, payment or reimbursement of expenses for travel, food, lodging, or beverage, related to speaking engagements or other honorarium-type events.

d) Indirect Expenditures

An indirect expenditure is an expenditure that is not made directly to a legislator or legislative employee, but is made to another with the purpose that the expenditure be used for the personal benefit of a legislator or legislative employee.

The new expenditure prohibition *expressly* prohibits any lobbyist or principal from directing prohibited lobbying expenditures through a surrogate or through any person who by his or her actions or activities is obligated to register as a lobbyist but has failed to do so. Third party intermediaries, such as employees, members of associations and others, cannot be used to make prohibited expenditures.

Where an item or service (anything of value) is provided to a person *other* than a legislator or legislative employee by a lobbyist or principal and the item or service or the benefit attributable to the item or service ultimately is received by the legislator or employee, and where the item or service is provided with the intent to benefit the legislator or employee, such item or service constitutes a prohibited indirect expenditure to the legislator or employee.

Factors to be considered in determining whether a prohibited indirect expenditure has been made are set out on the following page in the joint functionality test:

TEST FOR DETERMINING LEGALITY OF AN INDIRECT EXPENDITURE

(1) The existence or nonexistence of communications by the lobbyist or principal indicating the lobbyist's or principal's intent to make or convey the item or service, or a personal benefit attributable to the item or service, to a legislator or employee rather than to the intervening third person;

(2) The existence or nonexistence of communications by the intervening third person indicating the intent to make or convey the lobbyist's or principal's item or service, or a personal benefit attributable to the item or service, to a legislator or employee rather than to the third person;

(3) The existence or nonexistence of any relationship between the lobbyist or principal and the third person, independent of the relationship between the lobbyist or principal and a legislator or employee, that would motivate the transfer to the third person;

(4) The existence or nonexistence of any relationship between the third person and a legislator or employee that would motivate the transfer;

(5) Whether the same or similar items or services have been or are being provided to other persons having the same relationship to the lobbyist or principal as the third person;

(6) Whether, under the circumstances, the third person had full and independent decision-making authority to determine whether a legislator or employee, or another, would receive the items or services, or a personal benefit attributable to the items or services;

(7) Whether the third person was acting with the knowledge or consent of, or under the direction of, the lobbyist or principal;

(8) Whether there were payments or the intention for any payments or bookkeeping transactions between the third person and the lobbyist or principal, reimbursing the third person for the items or services;

(9) The degree of ownership or control the lobbyist or principal had over the third person; and,

(10) Whether a lobbyist or principal knew, or should have known, that an item or service provided to a third-party would be used to provide a personal benefit to a legislator or employee, such as for the funding of a legislative reception or an event to be attended by legislators or employees.

The following examples illustrate some of the applications of the foregoing indirect expenditure criteria:

Example 1: A law firm which lobbies the Legislature invites all of its attorneys to attend a weekend retreat. The attorneys are encouraged to bring their spouses or significant others at the firm's expense. Legislator C is married to an attorney in the firm and has been asked by her spouse to attend the retreat. The lodging provided to Legislator C for the retreat, food and drink, firm t-shirts, and the like would be considered a gift to her from her spouse and thus not a prohibited indirect expenditure, because the firm's invitation was extended to Legislator C's spouse by virtue of his employment with the firm.

Example 2: Legislator D hosts a fox hunt attended by legislators and lobbyists. Lobbyists give money to a third person, who is not a legislator or a legislative employee, to pay for the food and beverages which will be served at the fox hunt. The third party orders and prepares the food and beverages. The money provided to the third person by the lobbyists

would be a prohibited indirect expenditure to Legislator D, because it was given with the intent of benefiting him and his guests at the fox hunt.

Example 3: Legislator N and spouse have arranged to take a vacation trip together. A legislative lobbyist meets with Legislator N's spouse and offers to pay for the spouse's travel expenses. The lobbyist and Legislator N's spouse know each other only through the lobbyist's involvement with the legislator. This would constitute a prohibited indirect expenditure to Legislator N under the new law.

e) Equal or Greater Compensation

An expenditure is not prohibited when equal or greater value is given contemporaneously by the recipient to the donor.

Therefore, it is not an expenditure if:

1. The fair market value of the event, meeting, or other activity, including any food, beverage, transportation, lodging or any other thing of value, can readily be determined, and

2. The legislator or legislative employee pays his or her pro rata share of the total fair market value to the person or organization hosting the event contemporaneously with the time of attending or participating in the event.

Thus, if a lobbyist or principal provides \$35 worth of goods or services to a legislator or legislative employee but the legislator or legislative employee *contemporaneously* provides *equal or greater consideration*, the lobbyist or principal has not provided *anything of value*, thus, there is no "expenditure."

f) Valuation

The law is silent as to the *valuation* of goods and services. *Fair market value* is the proper and applicable standard of valuation.

The retail price of an item or service is presumed to be its fair market value so long as it is reasonable in relation to the value of the item or service and the amount is not subsidized by a lobbyist or principal.

In valuing an expenditure, you may exclude the amount of additional expenses that are regularly required as a condition precedent to the donor's eligibility to make the expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying, and is either primarily for the benefit of the donor or is paid to a charitable organization. Initiation fees and membership fees are examples of additional expenses that are regularly required as conditions precedent for eligibility to make an expenditure. Transportation expenses incurred to bring a member to an out-of-town event are not.

Entrance fees, admission fees, or tickets are normally valued on the face value or on a daily or per event basis. The portion of a ticket attributable to a charitable contribution is not included in the value. Conversely, if the ticket is subsidized by contributions of lobbyists or principals, the pro rata subsidized amount must be attributed to the face value.

A person providing transportation in a private automobile shall be considered to be making an expenditure at the then-current statutory reimbursement rate, which is currently 29 cents per mile. The value of transportation provided in other private conveyances must be calculated on its fair market value.

g) Exceptions

1. Relatives

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, 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.

This definition of “relative” is taken from former Joint Rule 1.4(4)(b), and has operated historically as an exception to the presumption that things of value given to a legislator or employee by a lobbyist or principal are intended for the purpose of engendering goodwill.

Example: A legislator is permitted to accept a Christmas gift from an aunt, even if she is a lobbyist. The gift is not deemed an expenditure made for the purpose of lobbying because of the family relationship between the donor and the donee.

2. Employment-related Compensation and Benefits

Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the recipient’s employment, business, or service as an officer or director of a corporation or organization are not prohibited expenditures so long as they are given in an amount commensurate with other similarly situated employees, officers, or directors.

These sorts of expenditures are currently also excepted from the definition of a gift in section 112.312(12)(b), *Florida Statutes*, and are a necessary exception in order for many legislators to continue their employment or continue their service on boards and continue to serve in Florida’s citizen Legislature.

Example: A legislator who is on the board of directors of an organization that has a lobbyist is nevertheless permitted to partake of food and beverage provided to the board members by the organization at its board meetings.

3. Political Organizations and Entities

An expenditure does not include contributions or expenditures reported pursuant to chapter 106, *Florida Statutes*, or its federal law counterpart; campaign-related personal services provided without compensation by individuals volunteering their time; any other contribution or expenditure made by a chapter 106 entity such as a candidate campaign, political committee, organization making electioneering communications, political party, or committee of continuous existence; or an entity qualified under section 501(c)(4) or section 527 of the Internal Revenue Code.

Members are cautioned that these organizations or entities may not be used as a vehicle for skirting the new lobbying expenditure law. To the extent that funds come from lobbyists or principals, one should exercise great care that the expenditures are legal and appropriate for that particular organization or entity.

4. Communications Expenses

The expenditure prohibitions in the new law do not reach expenditures made by a lobbyist or principal for items such as “media advertising,” “publications,” “communications,” and “research.”

Expenditures for researching, gathering, collating, organizing, providing, or disseminating information for the *exclusive* purpose of “active lobbying” (influencing or attempting to influence legislative action through oral or written communication) are necessary for Floridians to be able to “instruct their representatives.”

5. Office and Personal Expenses of Lobbyists and Principals

“Office expenses” and personal expenses of the lobbyist or principal for “travel,” “lodging,” and “food and beverages” as those items were defined in former Joint Rule 1.4(4)(c) are exempt from the prohibition on lobbying expenditures. This category does not include any expenses for legislators, legislative employees, or persons whose expenses would be attributed to them.

6. Government to Government Expenditures

Real property or a facility owned or operated by a state or local public agency or entity that is a lobbying principal, and transportation to, from, and at the location provided by that agency or entity may, with the prior approval of the respective state legislative presiding officer or his or her designee, be used without payment, by a member, committee, or staff of

the Legislature for a public legislative purpose. Such purposes include publicly noticed legislative committee meetings and site visits to operations conducted by the public agency or entity. Allowable free uses also specifically include legislative district offices and sub-offices and the normally attendant utilities, parking, janitorial services, building maintenance, and telecommunications equipment and services common to a government building in which the office is located. Allowable free use does not extend to sports or entertainment venues; does not include food, beverages, or entertainment; and does not include free parking privileges at any location other than a district office or sub-office.

7. Free and Open Public Events

Expenditures directly associated with events that are held within the Capitol complex, out-of-doors or under temporary shelter, open to the general public, widely and publicly noticed, free to all, not ticketed, and for which equal and totally unobstructed access to the general public is provided, are not prohibited expenditures made by lobbyists or principals, or when accepted by legislators or legislative employees.

Example: Atlas County, Florida is holding Atlas Day in the plaza between the Capitol and the Historic Capitol. Lunch is served to all comers. The event was widely publicized and access to the event and the food and beverage is totally unobstructed. Legislators may partake as well.

8. Regional and National Legislative Organizations

The prohibition does not apply to expenditures made directly or indirectly by a state, regional, or national organization that promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff to members of that organization or to officials or staff of the Legislature. This exception does not include extracurricular activities, entertainments, or items or services provided at conferences that are paid for or provided by a lobbyist or principal.

9. Monetary Value Impossible to Ascertain

The value of some items is *truly impossible* to quantify at the time of the expenditure. Expenditures for which a monetary value is not ascertainable at the time of the expenditure are not prohibited. Examples are: appearing on a news show or having a feature article about a legislator in a trade magazine or other medium, applause received by a legislator at an event, obtaining priority seating in a crowded restaurant or priority for obtaining services where there is an established queue, or the pro-rata portion of a host’s monthly or annual membership in an exclusive supper club.

10. Plaques and Certificates

The prohibition does not apply to personalized wall plaques, personalized photographs, or personalized certificates, that have no substantial inherent value other than recognizing the donee’s public, civic, charitable, or professional service.

h) Effect of Other Laws and Rules

To the extent that an expenditure is excluded or exempt from the new lobbying prohibition in section 11.045, *Florida Statutes*, it is still subject to the restrictions and requirements in other statutes: most notably, the gift law (section 112.3148, *Florida Statutes*) and the campaign finance law (chapter 106, *Florida Statutes*).

(2) Frequently Asked Questions

LEGISLATIVE EVENTS/RECEPTIONS

1. *Question:* Can a county legislative delegation or delegation office sponsor an annual event in Tallahassee on public grounds or in quarters belonging to either the Senate or the House of Representatives (i.e., “Flavors of Hillsborough”)?

ANSWER: A county legislative delegation may host an annual event in Tallahassee *provided* that no free food, beverages, or other personal benefits to a legislator or legislative employee are paid for or provided by a lobbyist or principal, either directly or indirectly.

Legislators and legislative staff may pay an amount established and published by the delegation as the per-person cost of the event, or they may “pop in” and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the delegation may make the event a free, open public event as described in Paragraph 1.g)7. above.

2. *Question: Can a legislator or legislative employee go up to the 22nd floor of the Capitol and partake of free food and drink provided by an organization hosting a luncheon or event at the Capitol?*

ANSWER: It depends. Yes, provided the organization hosting the event is not a principal and none of the food and beverages are paid for or provided by a lobbyist or principal. Otherwise, the legislator or legislative employee could attend the event but could not partake of the free food or beverages or they can pay the fair market value of what they consume.

3. *Question: Can “legislative days” that provide food, beverages, entertainment, and other personal benefits to legislators or legislative employees during the session and are hosted by counties, cities, universities, and others that employ a lobbyist continue?*

ANSWER: “Legislative days” and other legislative events funded by lobbyist or principal dollars may continue provided no free food, drink, entertainment, or other personal benefit is provided to a legislator or legislative employee, either directly or indirectly. Any such benefit would be a prohibited goodwill expenditure.

Legislators and legislative staff may pay an amount established and published by the sponsor as the per-person cost of the event, or they may “pop in” and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the sponsor may make the event a free, open public event as described in Paragraph 1.g)7. above.

4. *Question: Can a not-for-profit organization host receptions and events for legislators that provide food, beverages, entertainment, and other personal benefits to legislators or legislative employees through contributions solicited from lobbyists or principals who sponsor the reception or event?*

ANSWER: The charity may host a reception or event for legislators and legislative employees provided that no free food, beverages, entertainment, or other personal benefit is provided to a legislator or legislative employee from the funds of lobbyists or principals.

Legislators and legislative employees may pay an amount established and published by the sponsor as the per-person cost of the event, or they may “pop in” and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the sponsor may make the event a free, open public event as described in Paragraph 1.g)7. above.

5. *Question: Can a lobbyist or principal host an event with food, beverages, entertainment, or other personal benefit for legislators or legislative employees and collect from each legislator or legislative employee, a flat, per-person entrance fee based on the total cost to plan, produce, stage, and clean up after the event, divided by the number of persons reasonably expected to attend?*

ANSWER: Yes.

6. *Question: Each year, a few associations host legislative receptions/BBQs and invite their members as well as legislators. They usually pass out campaign funds at these events to those who support their industry. Would it now be legal to host this event if it were called a “fundraiser”? Could legislators then accept free food and beverages at the event?*

ANSWER: Senate Rule 1.361 precludes a senator, and House Rule 15.3 precludes a representative, from accepting a campaign contribution during a regular or special session, in addition to prohibiting them from accepting contributions on behalf of a section 527 or section 501(c)(4) organization, a political committee, a committee of continuous existence, a political party, or the campaign of any other senatorial candidate or candidate for representative, respectively. Thus, any fundraiser held during a regular or special session would violate the rules of each house.

Fundraisers not held during a regular or special session are outside the purview of the expenditure prohibitions in the new law. A goodwill lobbying expenditure does not include contributions or expenditures reported pursuant to chapter 106, *Florida Statutes*. However, if the facts

and circumstances demonstrate that calling the event a “fundraiser” is merely an artifice for lobbyists or principals to provide free gifts, food, beverages, and other items or services of personal benefit to a legislator, not associated with influencing the results of an election, then the fundraiser would violate the expenditure prohibition of the new law. Note, also, that fundraisers remain subject to the contribution restrictions and requirements of Florida’s campaign finance law (chapter 106, *Florida Statutes*).

HONORARIA EXPENSES

7. *Question: Can a lobbyist or principal continue to pay or reimburse a legislator’s or legislative employee’s expenses for such items as food and beverages, travel, and lodging associated with an honorarium event?*

ANSWER: No.

GIFTS TO LEGISLATORS

8. *Question: Can a school child give a legislator a painting that he or she has made?*

ANSWER: Yes. The prohibition against lobbying expenditures only applies to lobbyists and principals, and those acting on their behalf.

9. *Question: Can a school student whose parent is a lobbyist or principal give a scarf that was purchased by the child’s parent to a legislator as a gift?*

ANSWER: It depends. The lobbying expenditure prohibition applies to all gifts from lobbyists or principals to legislators, directly or indirectly. A lobbyist or principal cannot use a third-party intermediary to circumvent the lobbying expenditure prohibition. Thus, if the facts and circumstances demonstrate that the scarf is an indirect gift from the lobbyist or principal to the legislator, it would be prohibited.

10. *Question: Can a legislator accept rent-free office space and associated building services from a city, county, or community college in his or her district that employs or retains a lobbyist?*

ANSWER: Yes. See Paragraph 1.g)6. above for explanation and limitations.

11. *Question: Can a legislator or legislative staff accept transportation services from another governmental entity?*

ANSWER: Yes. See Paragraph 1.g)6. above for explanation and limitations.

12. *Question: Are there any value limitations on the exceptions in the new law for “floral arrangements or other celebratory items given to legislators and displayed in chambers on the opening day of a regular session”?*

ANSWER: Yes. All opening day flowers and floral arrangements are subject to the limitations and requirements of the gift law (section 112.3148, *Florida Statutes*). No other celebratory items will be allowed in either chamber on opening day of the regular session.

FOOD AND BEVERAGES/GIFTS

13. *Question: Can a legislator or legislative employee and his or her spouse have dinner with a lobbyist friend the legislator or legislative employee has known for 30 years at the lobbyist’s home, whether or not active lobbying occurs?*

ANSWER: Yes, provided the legislator or legislative employee contemporaneously provides the lobbyist with the pro rata share of the total fair market value of the cost of the food and beverages provided to the legislator or legislative employee and his or her spouse, either in cash or barter (i.e., bottle of wine, flowers). Otherwise, the expenditure for food and beverages would constitute a prohibited goodwill expenditure, irrespective of the extent of the legislator’s and lobbyist’s friendship.

14. *Question: Can a lobbyist or principal and legislator or legislative employee have dinner at a public restaurant?*

ANSWER: Yes, provided the dinner is “Dutch treat.”

15. *Question: Can a lobbyist or principal and a legislator or legislative employee have dinner “Dutch treat” at the Governor’s Club?*

ANSWER: Yes, *provided* the legislator or legislative employee pays the total cost of all food and beverage that he or she was served or consumed, or that was served to or consumed by a person whose expenditures are attributed to the legislator or legislative employee.

16. *Question: Can a lobbyist’s business partner, employee, spouse, or child, who is not a registered lobbyist, accompany the lobbyist and legislator or legislative employee to dinner and pay for all the food and beverages if the partner, employee, spouse, or child does not actively lobby?*

ANSWER: No. The lobbying expenditure prohibition applies to all food and beverages provided by lobbyists or principals to legislators or legislative employees, directly or *indirectly*. A lobbyist or principal cannot utilize a third-party intermediary to channel gifts to legislators to circumvent the lobbying expenditure prohibition.

17. *Question: If someone offers a legislator or legislative employee a drink at a bar, or any other gift or personal benefit, does the legislator or legislative employee have a duty to inquire if the donor is a lobbyist or principal?*

ANSWER: Yes. A legislator or legislative employee is liable for *knowingly* accepting an expenditure from a lobbyist or principal, or someone acting on behalf of a lobbyist or principal. “Knowingly” has many statutory definitions, including that a person: (1) has *actual knowledge* of the information; (2) acts in *deliberate ignorance* of the truth or falsity of the information; or, (3) acts in *reckless disregard* of the truth or falsity of the information. Therefore, prudence dictates that the legislator or legislative employee, at a minimum, make *reasonable inquiry* as to the source of the proposed expenditure to determine whether it is prohibited. *Reasonableness* will turn on the facts and circumstances of each individual situation.

For example, a legislator receiving an invitation to an event to be held the next week, from an organization he or she is not familiar with would likely require that the legislator, *at a minimum*, consult the online directory of legislative principals and lobbyists, and perhaps make further inquiry if facts or circumstances come to light indicating that the organization might be making the expenditure on behalf of a lobbyist or principal. Similarly, a legislator offered a drink from someone he or she doesn’t know in a Tallahassee bar or restaurant generally known to be frequented by lobbyists would probably be required, *at a minimum*, to ask whether the person is a lobbyist or principal or affiliated with a lobbyist or principal. On the other hand, a Miami legislator on personal holiday with his or her spouse at Busch Gardens in Tampa, who strikes up a friendship with a couple they don’t know visiting from Colorado and who subsequently offers to pay for the legislator’s and spouse’s dinner probably has less of a duty to inquire whether either member of the couple is a Florida lobbyist or principal.

CHARITIES

18. *Question: Can a legislator or legislative employee raise funds from lobbyists or principals for charitable causes?*

ANSWER: Yes, *provided* the charity for which funds are sought is not directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof. Otherwise, such a contribution or donation would constitute a prohibited goodwill expenditure.

19. *Question: Can a legislator or legislative employee establish or operate a charitable foundation that relies on lobbyist or principal support?*

ANSWER: No. A legislator or legislative employee may establish or operate a charitable organization but none of the money contributed or donated to the charity may be from lobbyists or principals. Such a contribution or donation would constitute a prohibited goodwill expenditure.

20. *Question: Can a legislator or legislative employee sit on the board of a charitable organization that is not established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof? Can he or she accept free food and beverages*

provided by the charity and be reimbursed by the charity for expenses associated with the work of the charity (i.e., travel, lodging)?

ANSWER: Yes. A legislator or legislative employee may sit on the board of a charitable organization that receives donations and contributions from lobbyists, and may partake of free food, beverages, and other personal benefits provided by the charity to board members in connection with their service, including reimbursement of personal expenses incurred by board members in furtherance of the charity’s work. A goodwill expenditure does not include salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with a legislator’s or legislative employee’s employment, business, or service as an officer or director of a corporation or organization. *However*, any such salary, benefit, services, fees, commissions, gifts or expenses cannot be from funds earmarked by lobbyists or principals to the charity for such purpose and must be received only for the legislator’s or legislative employee’s service as a member of the board.

21. *Question: Can a legislative caucus that is established as a non-profit group raise funds from lobbyists for its charitable causes?*

ANSWER: It depends. If the legislative caucus or the nonprofit group is directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, then the answer is no.

If the legislative caucus or the nonprofit group is not directly or indirectly established by, organized by, or operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, then the answer is yes.

22. *Question: Can a legislative caucus that is established as a non-profit group host its own charity golf tournament funded by lobbyist or principal “sponsors” at a private club, where the cost of sponsorship buys an opportunity to play golf with a member of the caucus, and to make a presentation to the caucus before and after the event?*

ANSWER: Yes, *provided* the legislative caucus or the nonprofit group is not directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, and the legislators and legislative employees pay their own golf fees and the per-person cost for food and beverage.

OTHER

23. *Question: What happens when a legislator is married to, related to, or living with a lobbyist? Can the lobbyist pay for meals, lodging, etc.?*

ANSWER: Yes, *provided* the lobbyist does not use the expenditure to actively lobby the legislator. Expenditures by “relatives” of a legislator for food, lodging, travel, and the like are specifically exempt from the definition of a goodwill expenditure.

24. *Question: Can a legislator be employed by a lobbyist or principal? Can a legislator go to the employer’s retreat and partake of food and beverages?*

ANSWER: Yes. A goodwill expenditure does not include salary, benefits, services, fees, commissions, gifts, or expenses *associated primarily with a legislator’s or legislative employee’s employment*, business, or service as an officer or director of a corporation or organization.

25. *Question: Where a lobbyist or principal leaves a gift, such as a box of chocolates, in a legislator’s office, what should the legislator do with the item?*

ANSWER: When a legislator or legislative employee receives an item that they believe violates the prohibition against accepting an expenditure from a lobbyist or principal, the item must either be sent back to the donor or delivered to the Sergeant-at-Arms for disposal.

Part Two—Compensation

(1) General Guidelines

Chapter 2005-359, *Laws of Florida*, for the first time, requires the reporting of *compensation* received by *lobbying firms* for each calendar quarter, both in the aggregate and for each individual principal. Much of the reporting is done in dollar categories; however, if compensation from

a single principal is \$50,000 or more in a calendar quarter, the lobbying firm must report the specific dollar amount of the compensation, rounded to the nearest \$1,000.

A “lobbying firm” is any business entity with a lobbyist, or an individual contract lobbyist, who gets paid to lobby for a principal. It is the lobbying firm that must report, *not the individual lobbyists in the firm* (except in the case of an individual contract lobbyist, where the lobbyist also comprises the entire lobbying firm).

Reports are due no later than 45 days after the end of each calendar quarter. For 2006, compensation reports will be filed on paper forms designed by the Office of Legislative Services. Beginning with the first reporting period in 2007, compensation reports must be filed electronically using the online filing system of the Office of Legislative Services.

The new law requires the senior partner, officer, or owner of the lobbying firm to certify to the veracity and completeness of each compensation report. This requirement is designed to discourage the mischaracterization and thus omission of reportable compensation through designations such as “media fees,” “consulting services,” “professional services,” “governmental services,” and other such artifices.

For example, if a law firm were paid a lump sum for rendering multiple types of services to a client, only one of which is lobbying, then the person certifying the report is responsible for properly and reasonably allocating the portion of the total fee received for lobbying activities and for activities other than lobbying. Only the compensation received for lobbying activities is to be reported on the compensation form.

The Legislature will use random audits supplemented by the lobbyist disciplinary process to hold the person certifying the compensation report and the lobbying firm accountable for making a true, complete, properly-allocated report as required by law. In addition, the certification brings every compensation report filer within the scope of potential criminal penalties in section 837.06, *Florida Statutes*, for culpable violations.

(2) Frequently Asked Questions

1. *Question: Is an in-house, salaried lobbyist for an association, a governmental entity, or a corporation that does not derive income from principals for lobbying required to report compensation?*

ANSWER: No. An association, a governmental entity, a corporation or other business entity that does not derive income from principals for lobbying, and its employee lobbyists, are not a “lobbying firm” as defined in section 11.045(1)(g), *Florida Statutes*. Only “lobbying firms” must report compensation as provided in section 11.045(3)(a), *Florida Statutes*.

2. *Question: Does the prohibition against providing compensation to an individual or business entity that is not a lobbying firm, mean that in-house lobbyists must either become a lobbying firm or cease lobbying?*

ANSWER: No. The provision in question merely clarifies that reportable “compensation” under the law must be provided to a “lobbying firm,” and not contracted or subcontracted through some “straw man” to circumvent compensation reporting requirements. The provision in question clarifies and emphasizes the statutory definition of “compensation” in section 11.045(1)(b), *Florida Statutes*, as “anything of value provided or owed to a lobbying firm.”

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 ~~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). No person admitted under this rule shall engage in any lobbying activity for or against any measure under consideration in the Senate.

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 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, which shall report as soon as practicable. Consideration of such a report shall always be in order. The Committee on Rules may originate reports and resolutions dealing with the Senate 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 the Senate 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 the Senate 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 the Senate 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 committees, or to a Special Master appointed by the President. Any such committee or Special Master ~~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 for its consideration and report. When the report is presented to the Senate in open session or received by the Committee on Rules, 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*, Rule Twelve (12), 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 President.

13.3—Committee meetings; schedule, notice

Committee meetings shall be scheduled by 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 for introduction may be delivered to the Secretary of the Senate at any time.

13.5—Committee reports

Every bill 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 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 committee 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, other than a conference committee on a general or special appropriations bill and its related legislation, 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 ~~House~~.

(5) When a bill 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

(1) A Special Order Calendar determining the time and priority for consideration of bills shall be submitted by the President Pro Tempore, ~~the Majority Leader, and the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means.~~

(2) 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, whichever 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.

**MESSAGES FROM THE HOUSE OF
REPRESENTATIVES**

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 3-O and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Representative(s) Bogdanoff—

HCR 3-O—A concurrent resolution establishing the Joint Rules of the Florida Legislature for the 2008-2010 term.

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the following joint rules shall govern the Florida Legislature for the 2008-2010 term:

JOINT RULES

Joint Rule One—Lobbyist Registration and Compensation Reporting

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. Registration is required for each principal represented.

(2) As used in Joint Rule One, unless the context otherwise requires:

(a) "Compensation" means payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal for any lobbying activity.

(b) "Division" means the Division of Legislative Information Services within the Office of Legislative Services.

(c) "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 that may be the subject of action by, either house of the Legislature or any committee thereof.

(d) "Lobby" or "lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written commu-

nication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(e) "Lobbying firm" means any business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, and where any partner, owner, officer, or employee of the business entity is a lobbyist. "Lobbying firm" does not include an entity that has employees who are lobbyists if the entity does not derive compensation from principals for lobbying, or such compensation is received exclusively from a subsidiary or affiliate corporation of the employer. As used in this paragraph, an affiliate corporation is a corporation that directly or indirectly shares the same ultimate parent corporation as the employer and does not receive compensation for lobbying from any unaffiliated entity.

(f) "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 the Governor, the Executive Office of the Governor, or any executive or 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.

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

(h) "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.

(i) "Unusual circumstances," with respect to any failure of a person to satisfy a filing requirement, means uncommon, rare, or sudden events over which the person has no control and which directly result in the failure to satisfy the filing requirement.

(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 or judicial department of the state or any 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 as required by the respective house.

1.2—Method of Registration

(1) Each person who is required to register must register on forms furnished by the Lobbyist Registration Office, on which that person must state, under oath, that person's full legal name, business address, and telephone number, the name and business address of each principal that person represents, and the extent of any direct business association or partnership that person has with any member of the Legislature. In addition, if the lobbyist is a partner, owner, officer, or employee of a lobbying firm, the lobbyist must state the name, address, and telephone number of each lobbying firm to which the lobbyist belongs. 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 on a form provided by the Lobbyist Registration Office, signed by the principal or principal's representative, that the registrant is authorized to represent the principal. On the authorization statement the principal or principal's representative shall also identify and designate the principal's main business pursuant to a classification system approved by the Office of Legislative Services that shall be the North American Industry Classification System (NAICS) six-digit numerical code that most accurately describes the principal's main business.

(3) Any person required to register must renew the registration annually for each calendar year.

(4) A lobbyist shall promptly send a notice to the Lobbyist Registration Office, on forms furnished by the Lobbyist Registration Office, canceling 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.

(5) The Lobbyist Registration Office shall retain all original registration documents submitted under this rule.

(6) 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 11.045, 112.3148, and 112.3149, Florida Statutes.

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—Reporting of Lobbying Firm Compensation

(1)(a) Each lobbying firm shall file a compensation report with the division for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

1. Full name, business address, and telephone number of the lobbying firm;

2. Registration name of each of the firm's lobbyists; and

3. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.

(b) For each principal represented by one or more of the firm's lobbyists, the lobbying firm's compensation report shall also include the:

1. Full name, business address, and telephone number of the principal; and

2. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or more. If the category "\$50,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.

(c) If the lobbying firm subcontracts work from another lobbying firm and not from the original principal:

1. The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and

2. The reporting lobbying firm shall, for each lobbying firm identified as the reporting lobbying firm's principal under paragraph (b), identify the name and address of the principal originating the lobbying work.

(d) The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this Rule 1.4, and certify that no compensation has been omitted from this report by deeming such compensation as "consulting services," "media services," "professional services," or anything other than compensation, and certify that no officer or employee of the firm has made an expenditure in violation of section 11.045, Florida Statutes, as amended by chapter 2005-359, Laws of Florida.

(2) For each principal represented by more than one lobbying firm, the division shall aggregate the reporting-period and calendar-year

compensation reported as provided or owed by the principal. Compensation reported within a category shall be aggregated as follows:

Category (dollars)	Dollar amount to use aggregating
0	\$0
1-9,999	5,000
10,000-19,999	15,000
20,000-29,999	25,000
30,000-39,999	35,000
40,000-49,999	45,000
\$50,000 or more	Actual amount reported

(3) The reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Effective April 1, 2007, reporting statements shall be filed by electronic means through the electronic filing system developed by the division, conforming to subsection (4).

(4) The electronic filing system for compensation reporting shall include the following:

(a) As used in this rule, the term “electronic filing system” means an Internet system for recording and reporting lobbying compensation and other required information by reporting period.

(b) A report filed pursuant to this Rule 1.4 must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in subsection (3). A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under Rule 1.5(1).

(c) Each person given secure sign-on credentials to file via the electronic filing system is responsible for protecting the credentials from disclosure and is responsible for all filings made by use of such credentials, unless and until the division is notified that the person’s credentials have been compromised. Each report filed by electronic means pursuant to this section shall be deemed certified in accordance with paragraph (1)(d) by the person given the secure sign-on credentials and, as such, subjects the person and the lobbying firm to the provisions of s. 11.045(8), Florida Statutes, as well as any discipline provided under the rules of the Senate or House of Representatives.

(d) The electronic filing system shall:

1. Be based on access by means of the Internet.
2. Be accessible by anyone with Internet access using standard web-browsing software.
3. Provide for direct entry of compensation-report information as well as upload of such information from software authorized by the division.
4. Provide a method that prevents unauthorized access to electronic filing system functions.
5. Provide for the issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.

(5) The division shall provide reasonable public notice of the electronic filing procedures and of any significant changes in such procedures. In the event that the President of the Senate and the Speaker of the House of Representatives jointly declare the electronic system to be not operable, the reports shall be filed in the manner required prior to April 1, 2007, unless the President of the Senate and the Speaker of the House of Representatives direct use of an alternate means of reporting. The division shall develop and maintain such alternative means as may

be practicable. Public notice of changes in filing procedures and any declaration or direction of the President of the Senate and the Speaker of the House of Representatives may be provided by publication for a continuous period of reasonable time on one or more Internet websites maintained by the Senate and the House of Representatives.

(6) Prior to April 1, 2007, reports must be filed no later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than the due date shall be deemed to have been filed in a timely manner, and 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 that bears a date on or before the due date, shall be proof of mailing in a timely manner.

1.5—Failure to File Timely Compensation Report; Notice and Assessment of Fines; Appeals

(1) Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm 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)(a) Effective April 1, 2007, upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine based on when the report is actually received by the division or when the electronic receipt issued by the electronic filing system is dated, whichever is earlier.

(b) Prior to April 1, 2007, 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:

1. When a report is actually received by the division.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. 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 person designated to review the timeliness of reports, unless appeal is made to the division. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall not be assessed against a lobbying firm the first time the report for which the lobbying firm is responsible is not timely filed. However, to receive the one-time fine waiver, the report for which the lobbying firm is responsible must be filed within 30 days after notice that the report has not been timely filed is transmitted by the person designated to review the timeliness of reports. A fine shall be assessed for any subsequent late-filed reports.

(5) Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may by joint agreement concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the person designated to review the timeliness of reports. In such case, the lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.

(6) A lobbying firm may request that the filing of a 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, by joint agreement, grant or deny the request.

(7)(a) All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived, and the division shall promptly notify all affected principals and the President of the Senate and the Speaker of the House of Representatives of any suspension or reinstatement. All lobbyists who are partners, owners, officers, or employees of a lobbying firm are jointly and severally liable for any outstanding fine owed by a lobbying firm.

(b) No such lobbyist may be reinstated in any capacity representing any principal until the fine is paid or until the fine is waived as to that lobbyist. A suspended lobbyist may request a waiver 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, as soon as practicable, 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, by joint agreement, grant or deny the request.

(8) The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed.

1.6—Open Records; Internet Publication of Registrations and Compensation Reports

(1) All of the lobbyist registration forms and compensation reports received by the Lobbyist Registration Office shall be available for public inspection and for duplication at reasonable cost.

(2) The division shall make information filed pursuant to Rules 1.2 and 1.4 reasonably available on the Internet in an easily understandable and accessible format. The Internet website shall include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and principals, the affiliations between lobbyists and principals, and the classification system designated and identified with respect to principals pursuant to Rule 1.2.

1.7—Records Retention and Inspection and Complaint Procedure

(1) Each lobbying firm 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 compensation reports.

(2) 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 Joint Rule One, 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.

(3) The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

1.8—Questions Regarding Interpretation of this Joint Rule One

(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 Joint Rule One 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 that is issued shall be provided to the presiding officer of each house. A committee of either house designated pursuant to section 11.045(5), 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 Joint Rule One may submit in writing the facts for an advisory opinion to the committee of either house designated pursuant to section 11.045(5), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(5), Florida Statutes.

1.9—Effect of Readoption and Revision

All obligations existing under Joint Rule One as of the last day of the previous legislative biennium are hereby ratified, preserved, and re-imposed pursuant to the terms thereof as of that date. The provisions of Joint Rule One are imposed retroactively to the first day of the present legislative biennium except that provisions new to this revision are effective on the date of adoption or as otherwise expressly provided herein.

Joint Rule Two—General Appropriations Review Period

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

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, revenues, 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

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.

(4) The committee and the units it oversees, including the Auditor General and the Office of Program Policy Analysis and Government Accountability, 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 Chief Financial Officer, 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, 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

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 chairperson, 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 Chief Financial Officer 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—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.

(2) The commission shall be jointly staffed by the appropriations committees of both houses. The Senate shall provide the lead staff when

the chairperson is a Senator. The House of Representatives shall provide the lead staff when the chairperson is a Representative.

7.3—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 chairperson is a Senator or with the Clerk of the House of Representatives when the chairperson 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.

7.4—Effect of Adoption; Intent

This Joint Rule Seven replaces all prior joint rules governing the Joint Legislative Budget Commission and is intended to implement constitutional provisions relating to the Joint Legislative Budget Commission existing as of the date of the rule's adoption.

—was read the first time in full. On motion by Senator Villalobos, **HCR 3-O** was read the second time by title, adopted and certified to the House.

BENEDICTION

The following benediction was offered by Pete Morgan, Jacksonville Campus Ministry at the University of North Florida:

Almighty and eternal God, you have revealed your glory to all nations. God of power and might, wisdom and justice, through you – authority is rightly administered, laws are enacted, and judgment is decreed.

Assist with your spirit of counsel and fortitude Jeff Atwater, the President of the Senate, our Senators, and all who serve our great State of Florida. Help them represent all God's people in the sunshine of your truth, justice, and love.

May your spirit assist them as they conduct state business in righteousness, and be eminently useful to your people.

May they encourage due respect for virtue and faith.

May they make laws with justice and mercy.

May they seek to restrain crime, vice, and immorality.

We, likewise, commend to your unbounded mercy all who dwell in the United States. Bless us and all people with peace which the world cannot give.

We pray to you, who are Lord and God forever and ever. Amen.

ADJOURNMENT

On motion by Senator Villalobos, the Senate in Organization Session adjourned sine die at 12:10 p.m.