



Journal of the Senate

Number 1—Special Session A

Monday, January 5, 2009

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, and subsequently amended, at the Capitol, in the City of Tallahassee, on Monday, January 5, 2009, in the State of Florida.

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CALL TO ORDER

The Senate was called to order by President Atwater at 11:00 a.m. A quorum present— 33:

Mr. President	Dockery	King
Alexander	Fasano	Lawson
Altman	Gaetz	Lynn
Aronberg	Garcia	Oelrich
Baker	Gardiner	Peadar
Bullard	Gelber	Rich
Constantine	Haridopolos	Siplin
Crist	Hill	Smith
Dean	Jones	Sobel
Deutch	Joyner	Storms
Diaz de la Portilla	Justice	Wise

Excused: Senators Bennett, Detert, Pruitt, Richter, Ring, Villalobos, and Wilson

PRAYER

The following prayer was offered by Senator Crist:

O Heavenly Father, it is written that when two or more are gathered together in prayer our voices are stronger than one. We pray here today for divine wisdom, to make wise decisions, and to make wise choices on behalf of the people we serve. We pray that our deliberations be respectful and productive; that we do the business of the people in a professional manner.

Father, we give thanks for the opportunity to serve. And finally, Father, we pray for our service men and women who put their lives on the line every day to ensure public safety and to protect the freedoms we all cherish and enjoy. It is through our individual faiths that each of us comes here today and pray. Amen.

PLEDGE

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

By direction of the President, the Secretary read the following proclamation:

THE FLORIDA LEGISLATURE JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE FLORIDA HOUSE OF REPRESENTATIVES:

We, Jeff Atwater, President of the Florida Senate, and Ray Sansom, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c)(2), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

Section 1.

That the Legislature of the State of Florida is convened in Special Session at the Capitol in Tallahassee, Florida, beginning at 11:00 a.m. on Monday, the 5th day of January, 2009, for a period of 12 days, ending at 11:59 p.m. on Friday, the 16th day of January, 2009.

Section 2.

That the Legislature of the State of Florida is convened for the sole and exclusive purpose of considering: legislation making adjustments to fiscal year 2008-2009 appropriations and to prior year appropriations; legislation providing for the redirection of trust fund revenues and balances to the General Revenue Fund; legislation making minor adjustments to existing user fees, not including any fees related to alcoholic beverages, cigarettes, or tobacco products; legislation providing for streamlining and flexibility of educational programs, services, and use of funds; legislation relating to funding the state-required costs under Article V of the Florida Constitution by providing for or making adjustments to fees and fines relating to traffic enforcement and to civil and criminal fees, fines, and penalties; legislation authorizing a pilot program to provide up to \$10 million in small business loans to stimulate investment in Florida's economy; legislation authorizing intergovernmental transfers; and legislation to conform Florida law to such adjustments, redirections, and authorizations.

Section 3.

That the committees of either house of the Legislature are authorized to consider legislation within the purview of this proclamation from this date forward.



Jeff Atwater
President, The Florida Senate
December 30, 2008



Ray Sansom
Speaker, The Florida House
of Representatives
December 30, 2008



Duly filed with and received by the Florida Department of State in Tallahassee this 30th day of December, 2008 by:

Kurt S. Browning
Secretary of State

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Bill numbers **2-A - 4-A** have been reserved for appropriation bills.

By Senator Wise—

SB 6-A—A bill to be entitled An act relating to adjustments to education appropriations; expressing the legislative intent to conform Florida law to adjustments to education appropriations; providing an effective date.

—was referred to the Committee on Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Peaden—

SB 8-A—A bill to be entitled An act relating to adjustments to appropriations for health care; expressing the legislative intent to conform Florida law to adjustments to appropriations for health care; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Peaden—

SB 10-A—A bill to be entitled An act relating to adjustments to appropriations for human services; expressing the legislative intent to conform Florida law to adjustments to appropriations for human services; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 12-A—A bill to be entitled An act relating to adjustments to criminal and civil justice appropriations; expressing the legislative intent to conform Florida law to adjustments to criminal and civil justice appropriations; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 14-A—A bill to be entitled An act relating to adjustments to criminal and civil justice appropriations; expressing the legislative intent to conform Florida law to adjustments to criminal and civil justice appropriations; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 16-A—A bill to be entitled An act relating to adjustments to criminal and civil justice appropriations; expressing the legislative intent to conform Florida law to adjustments to criminal and civil justice appropriations; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 18-A—A bill to be entitled An act relating to adjustments to criminal and civil justice appropriations; expressing the legislative intent to conform Florida law to adjustments to criminal and civil justice appropriations; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 20-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 22-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 24-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 26-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 28-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 30-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 32-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 34-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 36-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 38-A—A bill to be entitled An act relating to economic development; expressing the legislative intent to enact laws relating to economic development; providing an effective date.

—was referred to the Committee on Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 40-A—A bill to be entitled An act relating to adjustments to transportation and economic development appropriations; expressing the legislative intent to conform Florida law to adjustments to transportation and economic development appropriations; providing an effective date.

—was referred to the Committee on Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

SB 42-A—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

SB 44-A—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

SB 46-A—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

SB 48-A—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

SB 50-A—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

SB 52-A—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

MOTIONS

On motion by Senator Aronberg, the rules were waived and all bills filed for introduction outside the call of Special Session A were referred to the Committee on Rules.

On motion by Senator Aronberg, the rules were waived to allow the procedure of establishing a Special Order Calendar during Special Session A to be by distribution or by publication in the Senate Calendar.

On motion by Senator Aronberg, the rules were waived to allow the amendment deadlines for session to be set by announcement or by publication.

On motion by Senator Alexander, the amendment deadlines and policies included in the memorandum distributed by the Policy and Steering Committee on Ways and Means for committees' and Senate consideration of proposed appropriations bills and conforming bills were adopted.

REMARKS BY PRESIDENT ATWATER

We open this Special Session facing unprecedented economic circumstances. Throughout our state, fundamental measures of economic activity reflect the complexity of the task before us. It is this set of circumstances, and the very real impact on the working men and women of Florida and the anxieties facing every retired Floridian that has brought

us here today. Our work to confront these challenges cannot be deferred and cannot be delayed.

Permit me to share just a few of the more sobering statistics:

- In November, the unemployment rate hit 7.3%. This represents 680,000 Floridians out of work, with 206,000 jobs having been lost in the past twelve months alone.
- In the past 12 months, no geography of our State has been spared the cruelty of unemployment:
 - Fort Myers led the state in total job loss, down 4.2 percent.
 - Miami-West/Palm Beach region has lost approximately 60,000 jobs.
 - The Tampa Bay area lost 31,000 jobs.
 - Jacksonville has experienced a drop of 11,000 jobs.
- In the last 18 months, 500,000 additional Floridians began using Food Stamps, nearly the equivalent of the combined populations of Orlando and Tampa - bringing the number of Floridians statewide on Food Stamps to over 1.7 million. This is approaching nearly 10% of our State's population.
- We have the 2nd highest foreclosure rate in the nation with 49,000 foreclosures initiated in November alone.
- On New Year's Eve, the latest Consumer Confidence Index came out and it reflects that Consumer Confidence is at its lowest point since 1967.
- In April of 2007, 18 months ago, the national median home price was \$220,000. In Florida, at the same time, \$238,000. We were 7.8 percent above the national average for a home price.
- In October, just two months ago, the national median home price, \$181,000. In Florida, \$169,000. We are now 6.7 percent below the national average in home prices.

	October 2008	April 2007
National	181,800	220,500
Florida	169,700	237,800
Difference	-6.7%	7.8%

During the 2008 Session we passed a budget that was 5.7 billion dollars less than the budget passed during the 2007 Session. For the first time in recent memory our revenue collections were not simply less than program growth, they were negative. Since then, the deficit has grown an additional \$2.9 billion. The recently reported revenue collection numbers for December showed an additional 100 million dollar decrease, below the revenue estimate that was just forecast in November, with expectations that this trend will continue. The gravity of our current fiscal situation is clear: we are spending money we simply do not have.

Throughout our state government, there are dozens of ongoing studies. There are scores of boards, commissions and councils. There are hundreds (if not thousands) of reports being written – there are programs – that were built on programs – that were built on programs. Undoubtedly, someone sometime thought each of these served some valued purpose. For us, for now, here's the question, when considering every line item in the budget: is this expenditure of the people's money mission critical to the needs of Floridians for the next 12 months?

Here is the test I ask every chair and every Senator to apply: If it's not absolutely critical to teaching, housing, feeding, transporting, protecting, caring, or creating jobs for Floridians, then now is the time to challenge it, and now maybe the time to suspend it or eliminate it.

I noted at our budget briefing last month that our financial circumstances are not the result of one or two bad quarters, or the failure of a discrete segment of our economy. Virtually every facet of our historic financial baseline has been skewed in ways that questions traditional analysis or response. We simply cannot afford to hold on to the old ways

of doing business. We cannot afford to hold sacrosanct programs that we have supported in the past without testing their merits or measuring their outcomes. We cannot afford to assume that policies, processes, procedures, or programs are effective merely because they exist.

From this point forward, we have an obligation to the citizens of Florida to deliver value on the basis of effectiveness and efficiency. We must find new process models to meet the legitimate needs of our residents. We are called upon to evaluate programmatic outcomes in light of the return Floridians receive for the monies invested. And the measure of our leadership will be the responsible, dispassionate choices we make despite the clamor of special interests. Our decisions cannot always be popular, but they must never be viewed as expedient or meretricious.

It would be easy for us to view this Special Session as the completion of a process. In fact, it is simply the first step in the iterative process of rebuilding financial integrity in Florida, and restoring financial stability to our citizens. Obviously we have a Constitutional duty to balance the budget, and that is the immediate task at hand. If we left it at that, however, we would be missing a unique opportunity to revisit those assumptions that may have been useful in the past but no longer serve us well.

This Special Session is the prelude to the broader more comprehensive work that must be addressed during the upcoming Session. Indeed, when that Session begins, less than 60 days from today, our agenda of critical work will include: a meaningful review of the tax structure, economically sound business stimulus, greater budgetary flexibility for executive agencies, new endeavors in sustainable job creation and the development of an accountability system to insure that what we set out to accomplish with the people's money actually gets done...if we thought it important enough to appropriate money for it, then it's important enough to measure our success at getting it done right.

In short, Senators, this Special Session is to address the Constitutional requirements of a balanced budget, and by so doing, set the stage for more permanent, ameliorative actions for the Regular Session. To that end, I have charged Chairman Altman and Vice Chair Justice of the Finance and Tax Committee to initiate an analysis of our current tax exemptions, the Streamlined Sales Tax Initiative, and proposals for altering the tobacco tax to be ready for review and possible action by March 1. Chairman Gaetz and Vice Chair Ring will provide me shortly with recommendations from the Select Committee on Florida's Economy for the Federal Stimulus package that I will forward to our Congressional Delegation on behalf of the Senate and we will have the Select Committees initial recommendations to foster economic activity and regulatory relief by March 1. With the recognition this Chamber is not the sole repository of imaginative and innovative thought; the Select Committee has also established a process to elicit the suggestions and observations of Florida's citizens on improving the quality and efficiency of our government. This must be a collective effort, engaging the talents of people across this State. Finally, I will charge Chairman Alexander and Vice Chair Deutch of the Ways and Means Committee with the task of designing new metrics to provide greater accountability – better measurements as to the effectiveness of the programs we fund.

Senators, I am confident that over the next few months we will collectively produce and pass a new budget that does not just fulfill our Constitutional duty, but also protects Floridians with access to essential services, maintains the fundamental processes of government, and creates viable and sustainable options for the future.

I am also confident that over the next 12 days that we will shape, test and debate our budget amendments with firmness, honesty and respect that will reflect the integrity of this institution and the task at hand. Let us freely question the basis of our facts and our positions but let us not degrade into questioning one another's motivations. We have an obligation to re-establish a balanced budget and we shall fulfill that duty in the best traditions of this Senate.

It would be easy to bemoan our fate, to decry the fact that we have been chosen or cursed to serve in such trying circumstances. And, there are many, who seek to enable self-pity by constantly pointing out to us the dark clouds they see in every direction. Let me remind you that our nation, and our State, has dealt with difficulties before, and we will again. Throughout history, our state has weathered tough times and survived. It endured because the men and women of those times, the

women and the men who sat in these very chairs, rose to the occasion, recognizing the great gift they were being offered to lead during the defining time of their generation. Senators, destiny has offered you such an opportunity. Your faithful and selfless dedication to our State will ensure that Florida not only weathers these current challenges, but emerges stronger than ever.

In 1862, Abraham Lincoln stated it best when he said "As our case is new, so we must think anew, and act anew." Senators, let us begin the task at hand. Let us not be consumed with the depth of the challenge before us, but rather let us seize this opportunity to think anew and act new. Mindful of the gravity of our situation, but equally mindful of the resilient and hopeful spirit of all Floridians we humbly serve this day.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE BUSINESS

The following Executive Orders were filed with the Secretary:

EXECUTIVE ORDER NUMBER 08-214 (Executive Order of Suspension)

WHEREAS, Thomas Manuel is presently serving as a County Commissioner for St. Johns County, Florida; and

WHEREAS, on October 15, 2008, the Grand Jury for the United States District Court, Middle District of Florida, issued an indictment charging Thomas Manuel with two counts of bribery in violation of Title 18, United States Code, Section 666(a)(1)(B); and

WHEREAS, violation of Title 18, United States Code, Section 666(a)(1)(B), constitutes a felony; and

WHEREAS, it is in the best interest of the residents of the County of St. Johns, and the citizens of the State of Florida that Thomas Manuel be immediately suspended from the public office which he now holds, upon the grounds set forth in this executive order.

NOW, THEREFORE, I, Charlie Crist, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution find as follows:

A. Thomas Manuel is, and at all times material was, County Commissioner for the County of St. Johns, Florida.

B. The office of County Commissioner for the County of St. Johns, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached Indictment alleges that Thomas Manuel committed acts in violation of the Laws of the United States. This suspension is predicated upon the attached Indictment, which is incorporated as if fully set forth in this executive order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this executive order is issued, effective today:

Section 1. Thomas Manuel is suspended from the public office which he now holds: County Commissioner for the County of St. Johns, Florida.

Section 2. Thomas Manuel is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the benefits or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 17th day of October, 2008.

Charlie Crist
GOVERNOR

ATTEST:
Kurt S. Browning
SECRETARY OF STATE

Referred to the Committee on Ethics and Elections.

EXECUTIVE ORDER NUMBER 08-228 (Executive Order of Suspension)

WHEREAS, Robert Anthony Parker a/k/a Tony Parker, is presently serving as a County Commissioner for Levy County, Florida, and

WHEREAS, on October 20, 2008, the Grand Jury for the United States District Court, Northern District of Florida, issued an indictment charging Robert Anthony Parker with one count of conspiracy to commit bribery in violation of Title 18, United States Code, Section 666(a)(1)(B) and Title 18, United States Code, Section 371; and with one count of bribery in violation of Title 18, United States Code, Section 666(a)(1)(B) and 2; and

WHEREAS, violations of Title 18, United States Code, Section 666(a)(1)(B) and Title 18, United States Code, Section 371; Title 18, United States Code, Section 666(a)(1)(B) and 2 constitute felonies; and

WHEREAS, it is in the best interest of the residents of the County of Levy, and the citizens of the State of Florida that Robert Anthony Parker be immediately suspended from the public office which he now holds, upon the grounds set forth in this executive order;

NOW, THEREFORE, I, Charlie Crist, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution, find as follows:

A. Robert Anthony Parker is, and at all times material was, County Commissioner for the County of Levy, Florida.

B. The office of County Commissioner for the County of Levy, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached Indictment alleges that Robert Anthony Parker committed acts in violation of the Laws of the United States. This suspension is predicated upon the attached Indictment which is incorporated as if fully set forth in this executive order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. Robert Anthony Parker is hereby suspended from the public office which he now holds, to wit: County Commissioner for the County of Levy, Florida.

Section 2. Robert Anthony Parker is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today hereof, until a further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 5th day of November, 2008.

Charlie Crist
GOVERNOR

ATTEST:
Kurt S. Browning
 SECRETARY OF STATE

Referred to the Committee on Ethics and Elections.

EXECUTIVE ORDER NUMBER 08-229
 (Executive Order of Suspension)

WHEREAS, William Samuel Yearty a/k/a Sammy Yearty is presently serving as a County Commissioner for Levy County, Florida, and

WHEREAS, on October 20, 2008, the Grand Jury for the United States District Court, Northern District of Florida, issued an Indictment charging William Samuel Yearty with one count of conspiracy to commit bribery in violation of Title 18, United States Code, Section 666(a)(1)(B) and Title 18, United States Code, Section 371; with one count of bribery in violation of Title 18, United States Code, Section 666(a)(1)(B) and 2; and with one count of knowingly making a false or fraudulent statement in violation of Title 18, United States Code, Section 1001(a); and

WHEREAS, violations of Title 18, United States Code, Section 666(a)(1)(B) and Title 18, United States Code, Section 371; Title 18, United States Code, Section 666(a)(1)(B) and 2; and Title 18, United States Code, Section 1001(a) constitute felonies; and

WHEREAS, it is in the best interest of the residents of the County of Levy, and the citizens of the State of Florida that William Samuel Yearty be immediately suspended from the public office which he now holds, upon the grounds set forth in this executive order;

NOW, THEREFORE, I, Charlie Crist, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution, find as follows:

A. William Samuel Yearty is, and at all times material hereto was, County Commissioner for the County of Levy, Florida.

B. The office of County Commissioner for the County of Levy, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached Indictment alleges that William Samuel Yearty committed acts in violation of the laws of the United States. This suspension is predicated upon the attached Indictment which is incorporated as if fully set forth in this executive order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. William Samuel Yearty is hereby suspended from the public office which he now holds, to wit: County Commissioner for the County of Levy, Florida.

Section 2. William Samuel Yearty is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 5th day of November, 2008.

Charlie Crist
 GOVERNOR

ATTEST:
Kurt S. Browning
 SECRETARY OF STATE

Referred to the Committee on Ethics and Elections.

VETOED BILLS 2008 REGULAR SESSION

The Honorable Kurt S. Browning
 Secretary of State

June 17, 2008

Dear Secretary Browning:

By the authority vested in me as the Governor of Florida, and under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to, Committee Substitute for Committee Substitute for Senate Bill 682, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to Department of Transportation. . .

There are many positive aspects to the bill which includes several of the Department of Transportation's legislative priorities. The bill provides the department with tools to reduce roadway congestion by managing the use of our existing transportation facilities, modernize our toll collection systems and ensure that electronic tolling systems will work on all of Florida's toll roads. It improves the contracting that allows us to implement our transportation work program and encourages the safe operation of the vehicles that use our roadways. Many of these important changes are proposed in Senate Bill 1992, which I intend to sign.

However, Section 27 of the bill includes a provision that was also proposed by House Bill 5067, which I have already vetoed, that directs the selection process for fuel, food, and other service contracts along the Florida Turnpike. As noted in my veto message for House Bill 5067, I am troubled by the decision to direct the Turnpike Enterprise to substantially deviate from established procurement laws put in place to ensure fairness and integrity in the selection process. Limiting the competitiveness of the procurement and squeezing out potential bidders increases costs to the Turnpike System; therefore, increasing costs to Florida's motorists.

I have based my administration upon openness and access to information. Specifically, I have directed agencies to conduct open, competitive, and transparent procurements. I believe that we must protect the confidence citizens have entrusted to their public servants, and we should commit to making the best use of their hard earned tax dollars. Therefore, it is disappointing that this important transportation bill was used to direct a procurement which benefits vendors over the citizens of Florida.

For these reasons, I withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 682, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning
 Secretary of State

June 25, 2008

Dear Secretary Browning:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to Committee Substitute for Committee Substitute for Senate Bill 686, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to nursing facilities. . .

This bill makes several changes to nursing home regulatory rules. Notably, the bill revises the manner in which nursing facilities report and investigate adverse incidents that relate to residents. Under current Florida law, nursing facilities must notify Florida's Agency for Health Care Administration (AHCA) within one business day of an adverse incident. This bill deletes this requirement and instead permits the facility's internal risk manager to determine if an incident was adverse

before filing the report. Current law provides the opportunity for AHCA to investigate incidents, as it deems appropriate, in order to prescribe measures that should be taken. I believe that facilities responsible for providing care to our most vulnerable citizens must remain under strict scrutiny and existing law provides for this accountability and oversight.

I am committed to ensuring the highest standards of care to protect the safety and dignity of Florida's seniors. Throughout my career, I have worked to reduce abuse and neglect against seniors, and I do not believe the state should take any steps backwards in these efforts.

For these reasons, I withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 686, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning
 Secretary of State

June 11, 2008

Dear Secretary Browning:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 996, enacted during the 40th Session of the Legislature of Florida and convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to cosmetology . . .

The bill makes substantial changes to Florida's cosmetology statutes. It creates a new cosmetology license separated into specialty licenses for hair technicians, estheticians, nail technicians, and cosmetologists and provides specific education requirements for each.

Although I support efforts to protect the public, I am concerned that this bill is overly regulatory. Government exists to accomplish the will of the people, not to restrict economic or personal liberties. This bill increases the educational requirements that a person must meet before entering the workplace—in some cases, the increase in education is quite significant. I am concerned that this bill is overly burdensome and would have negative impacts on people's livelihoods. The legitimate public purpose for regulation is to protect the public, not to limit competition or act as state-sponsored protectionism against free enterprise.

For this reason, I withhold my approval of Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 996, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning
 Secretary of State

June 25, 2008

Dear Secretary Browning:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to Committee Substitute for Senate Bill 1008, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to failure to redeliver hired vehicles. . .

Senate Bill 1008 provides that a law enforcement agency may not make acceptance of a stolen rental vehicle report contingent upon receipt of specific information and *shall* enter the report into the National Crime Information Center and Florida Crime Information Center, listing the rental vehicle as a stolen vehicle. Thus, the bill would deprive a law enforcement officer of the authority to determine whether probable cause exists to classify an unreturned rental vehicle as stolen before

entering it into the NCIC/FCIC databases. Instead, the probable cause judgment would be delegated to a clerk or a non-sworn security employee of a vehicle rental agency.

Allowing untrained personnel to make this judgment could cause drivers who miss rental return deadlines simply due to confusion over contract terms to be dealt with much more harshly in the course of a felony traffic stop by police.

Further, as stated by representatives of the Florida Department of Law Enforcement, the bill creates a special category of crime victim—car rental companies—who will now have direct access into the NCIC/FCIC without law enforcement review, while other theft victims will not. In addition, the bill serves as an invitation to other special interest groups to apply to the Legislature for mandated access into law enforcement databases.

Finally, as expressed by the State Attorney for the 13th Judicial Circuit, preventing law enforcement officers from requiring basic information from a rental car company could compromise investigations and weaken the ability of prosecutors to obtain convictions.

For this reason, I withhold my approval of Committee Substitute for Senate Bill 1008, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning
 Secretary of State

June 25, 2008

Dear Secretary Browning:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to Committee Substitute for Senate Bill 1706, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to developments of regional impact. . .

This bill includes provisions that are intended to promote biotechnical research development and green building, and I applaud these goals. However, this bill also includes provisions that affect our ability to create the well-planned communities that provide the foundation for a robust economy and maintain the quality of life that every Floridian deserves.

The bill expands the scope of the three year extension of build-out dates for developments of regional impact and Florida quality developments approved in 2007. This expansion affects communities across this state as they work to provide the roads, schools and public facilities needed to ensure that the effects of these new developments do not impair the quality of services provided to our current and future citizens. The bill also exempts certain developments in our most populous counties from development of regional impact review, which greatly limits the opportunity for citizen participation in decisions that may increase demand on existing school, transportation, and public infrastructure.

At a time when Florida's communities are struggling to find the resources to provide essential services, adequate water resources, and schools to educate our children, I am concerned that this bill may increase the burden on communities and shift the cost of new development from the people that benefit from the development to the citizens of our state. I look forward to working with the Legislature during the two years remaining on the current development of regional impact extension to ensure that we balance the vital elements of growth, while also encouraging prudent development.

For these reasons, I withhold my approval of Committee Substitute for Senate Bill 1706, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning
Secretary of State

May 28, 2008

Dear Secretary Browning:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Sections 8 and 19, of the Constitution of Florida, I do hereby transmit Committee Substitute for Committee Substitute for Senate Bill 2860, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular session of 2008, and entitled:

An act relating to insurance. . .

This bill contains many important consumer protections that will help keep insurance costs more affordable for Florida's homeowners. It extends the rate freeze on Citizens rates (until January 1, 2010), revises the assessment formula for any Citizens deficits, allows more homeowners to insure with Citizens if they choose to do so, and requires hurricane mitigation premium credits tied to a uniform home rating scale. The bill holds insurers accountable. It prohibits insurers from failing to pay undisputed amounts owed on insurance policies, extends the prohibition against raising rates without approval by the Office of Insurance Regulation, provides more transparency into the ratemaking process, and increases fines against less scrupulous insurers.

Section 16 of the bill provides an appropriation of \$250 million for the Insurance Capital Buildup Incentive Program. While I believe the program is well intended and has had the net effect of removing nearly 200,000 policies from the Citizens Property Insurance Corporation and has kept an additional estimated 480,000 policies out of Citizens, the funding source is inappropriate. The original funding for the program came from the General Revenue Fund during the 05/06 fiscal year; however, the additional funding for the program provided in this legislation comes from policyholders' premiums paid to Citizens, which is used to pay claims in the event of a catastrophic hurricane.

Citizens has a combined loss exposure in Florida of about \$223 billion and approximately 1.3 million policyholders. Taking \$250 million away from Citizens' ability to pay claims will substantially increase the likelihood of assessments for Floridians across the state.

The citizens of Florida are already feeling the heavy weight of property insurance and property tax burdens. I do not support risking an additional financial hardship on Floridians; therefore, I hereby transmit Committee Substitute for Committee Substitute for Senate Bill 2860 with my signature, but withhold my approval of and hereby veto the following section:

Section 16. (1) By December 15, 2008, Citizens Property Insurance Corporation shall transfer \$250 million to the General Revenue Fund, from the personal lines account and the commercial lines account only, if the combined surplus of the personal lines account and commercial lines account as defined in s. 627.351(6), Florida Statutes, exceeds \$1 billion. The board of governors of Citizens Property Insurance Corporation must make a reasonable estimate of such surplus on or after December 1, 2008, and no later than December 14, 2008, using generally accepted actuarial and accounting practices, recognizing that audited financial statements will not yet be available.

(2) Beginning July 1, 2009, the board shall make quarterly transfers of any interest earned prior to the issuance of any surplus notes, interest paid, and principal repaid to the state for any surplus notes issued by the program after December 1, 2008, to Citizens Property Insurance Corporation, provided such surplus notes were funded exclusively by an appropriation to the program by the Legislature for the 2008-2009 fiscal year. The corporation shall credit each account as defined in s. 627.351(6) in a pro rata manner for the funds removed from each account to make the transfer required by subsection (1).

(3) On July 1, 2009, the State Board of Administration shall transfer to Citizens Property Insurance Corporation any funds that have not been committed or reserved for insurers approved to receive such funds under the program from the funds that were appropriated from the corporation in 2008-2009 for such purposes.

My administration will continue the fight and keep insurance companies accountable to Florida's policyholders as well as work toward finding innovative ways to further reduce property insurance rates.

Sincerely,
Charlie Crist, Governor

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules.

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

(2) The Secretary shall distribute the daily calendar for the information of the Legislature and the public.

1.12—Reads papers; calls roll

The Secretary shall have read to the Senate all papers ordered to be read; note responses of Senators when the roll is called to determine the presence of a quorum; call the roll and note the answers of Senators when a question is taken by yeas and nays; and assist, under the direction of the President, in taking the count when any vote of the Senate is taken by a show of hands or otherwise.

1.13—Attests to warrants and subpoenas; certifies passage

The Secretary shall attest to all writs, warrants, and subpoenas issued by order of the Senate and shall attest to the passage of all bills, resolutions, and memorials.

1.14—Prepares printed forms

The Secretary shall prepare the copy for all printed forms used by the Senate.

1.15—Examines legal form of bills for introduction

The Secretary shall examine bills on their tender for introduction, but prior to their receiving a number, he or she shall determine whether they meet the requirements of law and of these Rules. The Secretary shall direct the attention of the introducer to apparent defects, but the introducer shall be exclusively responsible for the constitutional and legal correctness of the bill.

1.16—Indexes bills

The Secretary shall maintain a numerical index of bills and 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.

(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 (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, or a political party. When required by law, the Senator shall promptly create a public website that contains a mission statement for such organization, the names of the Senators associated with that organization, and disclosure of contributions received by and expenditures made by the organization.

(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 that 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, 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, the complaint shall be referred to a special master. 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 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 to the chair, or the President when the complaint is against the Rules 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, 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.

(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 analyses, and fiscal notes; meeting files including agendas and appearance cards; files relating to assigned projects; final staff reports submitted to subcommittees or committees; final reports submitted by subcommittees or committees; correspondence sent or received; and audio recordings of committee meetings. At the time of transfer, the actual correspondence to be sent to the Department of State shall consist only of correspondence which relates to other committee public records required by this Rule to be transferred. Records not transferred may be otherwise disposed of or destroyed.

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

(4) Public records, not exempted from public disclosure, created or received by the President, President Pro Tempore, or Secretary of the Senate shall be retained by that officer as specifically required by law or

Senate Rule until transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division. Records not transferred may be otherwise disposed of or destroyed.

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

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

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

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

- (a) Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, *Florida Statutes*, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), *Florida Statutes*, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.
- (b) A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.
- (c) A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.
- (d) A draft of a bill analysis or fiscal note until the bill analysis or fiscal note is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.
- (e) A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.
- (f) Records prepared for or used in executive sessions of the Senate until ten (10) years after the date on which the executive session was held.
- (g) Portions of records of former legislative investigating committees whose records are sealed or confidential as of June

30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained in the committees' records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.

- (h) Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.
- (i) Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

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

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

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

1.45—Violations of Rules on open meetings and notice

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

RULE TWO

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

PART ONE—COMMITTEES—ORGANIZATION, DUTIES, AND RESPONSIBILITIES

2.1—Policy and steering committees; standing committees; standing subcommittees; select subcommittees

- (1) The following policy and steering committees are created:
- Policy and Steering Committee on Commerce and Industry
 - Policy and Steering Committee on Energy, Environment, and Land Use
 - Policy and Steering Committee on Governmental Operations
 - Policy and Steering Committee on Social Responsibility
 - Policy and Steering Committee on Ways and Means

(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.

(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.

- Grouping for the Policy and Steering Committee on Commerce and Industry
 - Banking and Insurance
 - Commerce
 - Regulated Industries
 - Transportation
- Grouping for the Policy and Steering Committee on Energy, Environment, and Land Use
 - Agriculture
 - Communications, Energy, and Public Utilities
 - Community Affairs
 - Environmental Preservation and Conservation
- Grouping for the Policy and Steering Committee on Governmental Operations
 - Ethics and Elections
 - Governmental Oversight and Accountability
 - Military Affairs and Domestic Security
 - Reapportionment
- Grouping for the Policy and Steering Committee on Social Responsibility
 - Children, Families, and Elder Affairs
 - Criminal Justice
 - Education Pre-K - 12
 - Health Regulation
 - Higher Education
 - Judiciary
- Grouping for the Policy and Steering Committee on Ways and Means
 - Criminal and Civil Justice Appropriations
 - Education Pre-K - 12 Appropriations
 - Finance and Tax
 - General Government Appropriations
 - Health and Human Services Appropriations
 - Higher Education Appropriations
 - Transportation and Economic Development Appropriations
- Committee on Rules
 - Florida Legislative Committee on Intergovernmental Relations
 - Joint Administrative Procedures Committee
 - Joint Auditing Committee
 - Joint Legislative Committee on Everglades Oversight
 - Joint Legislative Sunset Committee
 - Joint Legislative Committee on Public Counsel Oversight

(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, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.9 may be held following an announcement by the chair of the committee or subcommittee or, in his or her absence, the vice chair while the Senate is in session and the posting

of a notice in the public corridor leading to the Senate Chamber for at least four (4) hours in advance of the meeting.

(3) The chair of a standing committee, standing subcommittee, or select committee, or in his or her absence, the vice chair, shall provide the Secretary's office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered.

(4) At least seven (7) days prior to the meeting of a standing committee, standing subcommittee, or select committee, while the Legislature is not in session, a notice of the meeting, stating the date, time, 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 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 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. Senate committee professional staff shall be limited to presenting committee bills at meetings of their as-

signed committees and to presenting before other committees those committee bills that 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 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 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.

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 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 or co-introducer requests that it be omitted. A committee substitute may be co-introduced by a Senator whose name 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. 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 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; 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 subcommittee 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 by the chair or, in the chair's absence, the 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 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, 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**

A chair and a vice chair of each standing committee shall be appointed by the President preceding the regular session held each odd-numbered year and shall continue in office at the pleasure of the President. The President shall also appoint a chair for each standing subcommittee and select committee authorized by these Rules and may designate a vice chair, both of whom shall continue in office at the pleasure of the President.

2.21—Calling committee to order

The chair or, in the chair's absence, the vice chair, shall call the committee to order at the hour provided by these Rules. On the appearance of a quorum the committee shall proceed with the order of business. Any member of the committee may question the existence of a quorum. No committee business of any type shall be conducted in the absence of a quorum.

2.22—Chair's control

The chair or vice chair shall preserve order and decorum and shall have general control of the committee room. If there is a disturbance or disorderly conduct in the committee room, the chair or vice chair may require participants in the disturbance to clear the room.

2.23—Chair's authority; appeals

The chair shall 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; vote

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

2.25—Temporary alternate to Chair

The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting. In the chair's absence and/or omission to make such appointment, the vice chair shall act during his or her absence.

2.26—Vice Chair's duties

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

PART THREE—COMMITTEES—MEMBERS**2.27—Members' attendance, voting, proxy**

(1) Every member of a committee shall be in attendance during each of its meetings, unless excused or necessarily prevented.

(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 the committee. 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 at any time before the same has been amended, or before a vote shall have com-

menced. The mover of a motion to reconsider may withdraw that motion only 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. 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 be filed with the committee administrative assistant at least 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 be filed with the committee administrative assistant at least 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 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.

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 desires to speak or deliver a matter to the committee, the member 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 shall not address or refer to another member by his or her first name. A member shall use the appellation of Senator or such appellation and the surname of the member referred to or addressed.

2.46—Chair's power to recognize

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

2.47—Interruptions; when allowed

(1) No member shall be interrupted by another without the consent of the member 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 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 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

A point of order questioning the decision of a member not to abstain from voting 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. 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 resolutions, and trust fund bills or public-record exemptions that 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 each Senator. The Secretary shall provide regularly to each Senator 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) 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 report a filed bill prior to the convening of a regular session, the committee or committees failing to so report shall conduct hearings and file reports during 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, bills (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 Policy and Steering 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 Policy and Steering 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 by a Senator or group of Senators whose names are affixed to the original, or by any committee with the name of the committee and the name of the chair of the committee affixed to the original. A bill introduced by a committee may be co-introduced by any Senator whose name is affixed to the original.

(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 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 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 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 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 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 introduced by the Policy and Steering Committee on Ways and Means 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.

(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. 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 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 Oversight and Accountability. 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) 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 the President's 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 policy and steering committee may move for reference to a different committee or for removal from any committee within that policy and steering committee's grouping after the introducer of the bill has filed a request signed by the chair of the affected committee, the chair of that policy and steering 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) 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 a regular session of the Legislature permitted under the *State Constitution*, each policy and steering committee shall be responsible 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 committee's grouping; however, the President may designate a different policy and steering committee at the time of initial reference.

(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 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, 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 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 Calendar, 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 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 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 the 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 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 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 is speaking and another Senator 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 desires to raise is entitled to precedence, the Senator originally speaking shall relinquish the floor until the question having precedence is disposed of. The Senator then is entitled to resume the floor.

(2) The Senator making a debatable motion or the 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 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

A point of order questioning the decision of a Senator not to abstain from voting 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—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 determination shall be made by a majority vote of the Senate, on recommendation of the Committee on Rules.

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 lobby-

ist'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 exercise 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 nonprofit 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 nonprofit 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, 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 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) 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. 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 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.

(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 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, which ever occurs later.

RULE FOURTEEN**SEAL AND INSIGNIA****14.1—Seal and insignia**

(1) There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter having in the center thereof a fan of the five flags which have flown over Florida, above a disc containing the words: "In God We Trust" arched above a gavel, quill, and scroll. At the top of the field of flags shall be the word: "Seal." At the bottom shall be the date: "1838." The perimeter of the seal shall contain the words: "Senate" and "State of Florida."

(2) There shall be an official coat of arms for the Senate. The coat of arms shall contain a fan of the five flags that have flown over Florida, above the Great Seal of Florida. At the base of the coat of arms shall be the words: "The Florida Senate."

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

COMMITTEES OF THE SENATE

(With Revisions)

Policy and Steering Committee on Commerce and Industry

Senator Gaetz, Chair; Senator Ring, Vice Chair; Senators Deutch, Diaz de la Portilla, Garcia, Gardiner, Jones, Joyner, Justice, Lynn, Peaden, Richter and Smith

Banking and Insurance

Senator Richter, Chair; Senator Smith, Vice Chair; Senators Alexander, Bennett, Fasano, Lawson, Ring, Storms and Villalobos

Commerce

Senator Garcia, Chair; Senator Gelber, Vice Chair; Senators Crist, Detert, Justice, Lynn, Oelrich, Peaden, Rich and Sobel

Regulated Industries

Senator Jones, Chair; Senator Deutch, Vice Chair; Senators Aronberg, Dean, Diaz de la Portilla, Hill, King and Wise

Transportation

Senator Gardiner, Chair; Senator Bullard, Vice Chair; Senators Altman, Baker, Constantine, Dockery, Haridopolos, Joyner and Siplin

Policy and Steering Committee on Energy, Environment, and Land Use

Senator King, Chair; Senator Rich, Vice Chair; Senators Altman, Aronberg, Bennett, Bullard, Constantine, Dean, Dockery, Haridopolos, Siplin, Sobel and Villalobos

Agriculture

Senator Dean, Chair; Senator Bullard, Vice Chair; Senators Aronberg, Baker and Peaden

Communications, Energy, and Public Utilities

Senator King, Chair; Senator Joyner, Vice Chair; Senators Fasano, Gelber, Haridopolos, Oelrich, Pruitt, Richter and Smith

Community Affairs

Senator Bennett, Chair; Senator Siplin, Vice Chair; Senators Altman, Deutch, Garcia, Gardiner, Hill, Ring, Storms and Wise

Environmental Preservation and Conservation

Senator Constantine, Chair; Senator Sobel, Vice Chair; Senators Detert, Dockery, Jones and Rich

Policy and Steering Committee on Governmental Operations

Senator Haridopolos, Chair; Senator Aronberg, Vice Chair; Senators Alexander, Bennett, Dean, Deutch, Diaz de la Portilla, Fasano, Hill, King, Lawson, Oelrich and Ring

Ethics and Elections

Senator Alexander, Chair; Senator Justice, Vice Chair; Senators Baker, Diaz de la Portilla, Fasano, Gardiner, Joyner, Rich and Richter

Governmental Oversight and Accountability

Senator Haridopolos, Chair; Senator Siplin, Vice Chair; Senators Crist, Dean, Jones, King, Lawson and Ring

Military Affairs and Domestic Security

Senator Aronberg, Chair; Senator Oelrich, Vice Chair; Senators Bennett, Deutch, Hill, Lynn, Peaden and Villalobos

Reapportionment

Senator Haridopolos, Chair; Senator Smith, Vice Chair; Senators Bennett, Dean and Lawson

Policy and Steering Committee on Social Responsibility

Senator Pruitt, Chair; Senator Justice, Vice Chair; Senators Baker, Bullard, Constantine, Detert, Dockery, Gaetz, Gelber, Siplin, Storms, Wilson and Wise

Children, Families, and Elder Affairs

Senator Storms, Chair; Senator Rich, Vice Chair; Senators Detert, Diaz de la Portilla, Garcia, Hill, Justice and Wise

Criminal Justice

Senator Dockery, Chair; Senator Wilson, Vice Chair; Senators Crist, Dean, Deutch, King, Siplin and Villalobos

Education Pre-K - 12

Senator Detert, Chair; Senator Wilson, Vice Chair; Senators Bullard, Constantine, Gaetz, Sobel, Storms and Wise

Health Regulation

Senator Gaetz, Chair; Senator Sobel, Vice Chair; Senators Altman, Aronberg, Bennett, Gardiner, Jones and Lawson

Higher Education

Senator Oelrich, Chair; Senator Smith, Vice Chair; Senators Bullard, Lynn and Pruitt

Judiciary

Senator Constantine, Chair; Senator Joyner, Vice Chair; Senators Baker, Fasano, Gelber, Haridopolos, Peaden, Richter and Ring

Policy and Steering Committee on Ways and Means

Senator Alexander, Chair; Senator Deutch, Vice Chair; Senators Altman, Baker, Crist, Fasano, Gaetz, Garcia, Gelber, Haridopolos, Hill, Justice, Lawson, Lynn, Peaden, Pruitt, Rich, Siplin, Villalobos, Wilson and Wise

Criminal and Civil Justice Appropriations

Senator Crist, Chair; Senator Wilson, Vice Chair; Senators Jones, Joyner and Villalobos

Education Pre-K - 12 Appropriations

Senator Wise, Chair; Senator Siplin, Vice Chair; Senators Bullard, Detert, Garcia and Richter

Finance and Tax

Senator Altman, Chair; Senator Justice, Vice Chair; Senators Bennett, Pruitt and Ring

General Government Appropriations

Senator Baker, Chair; Senator Lawson, Vice Chair; Senators Aronberg, Dean and Oelrich

Health and Human Services Appropriations

Senator Peaden, Chair; Senator Rich, Vice Chair; Senators Gaetz, Haridopolos and Sobel

Higher Education Appropriations

Senator Lynn, Chair; Senator Gelber, Vice Chair; Senators Constantine, Deutch and King

Transportation and Economic Development Appropriations

Senator Fasano, Chair; Senator Hill, Vice Chair; Senators Diaz de la Portilla, Dockery, Gardiner, Smith and Storms

Rules

Senator Villalobos, Chair; Senator Aronberg, Vice Chair; Senators Alexander, Constantine, Crist, Deutch, Gaetz, Garcia, Gardiner, Jones, Justice, King, Lawson, Lynn, Pruitt, Siplin, Smith, Sobel, Storms and Wise

Joint Legislative Committees:

Florida Legislative Committee on Intergovernmental Relations

Senator Hill, Chair; Senators Detert, Haridopolos and Wilson

Joint Administrative Procedures Committee

Senator Joyner, Alternating Chair; Senators Dean and Villalobos

Joint Committee on Public Counsel Oversight

Senator Constantine, Alternating Chair; Senators Altman, Dockery, Garcia, Gelber and Smith

Joint Legislative Auditing Committee

Senator Diaz de la Portilla, Alternating Chair; Senators Bullard, Gardiner, Ring and Wise

Joint Legislative Committee on Everglades Oversight

Senator Siplin, Alternating Chair; Senators Oelrich and Richter

Joint Legislative Sunset Committee

Senator Storms, Co-Chair; Senators Altman, Peaden, Rich and Sobel

Select Committees:

Select Committee on Florida's Economy

Senator Gaetz, Chair; Senator Ring, Vice Chair; Senators Alexander, Bennett, Gelber, Haridopolos, Hill, King, Pruitt, Richter and Sobel

Other Legislative Entities:**Joint Legislative Budget Commission**

Senator Pruitt, Alternating Chair; Senators Alexander, Constantine, Fasano, Garcia, Justice and Lawson

COMMITTEE MEMBERSHIP CHANGE

The President announced the appointment of Senators Bennett and Pruitt to the Committee on Education Pre-K - 12 Appropriations through the conclusion of Special Session A.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of May 2, 2008 and November 18, 2008 were corrected and approved.

RECESS

On motion by Senator Aronberg, the Senate recessed at 11:44 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Friday, January 9 or upon call of the President.