

RULES OF THE FLORIDA SENATE

Rule One

OFFICERS, MEMBERS, EMPLOYEES, AND ETHICS

PART ONE—OFFICERS OF THE SENATE

1.1—A President and a President Pro Tempore of the Senate shall be elected for a term of two (2) years at the organizational session preceding the regular session of each odd-numbered year. They are to continue in office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur. They shall take an oath to support the Constitution of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office. At said organizational session, the minority party shall by caucus elect a leader, the name of whom shall be certified to the Secretary of the Senate.

Election of the President, President Pro Tempore, and minority leader

1.2—The President shall call the Senate to order at the hour provided by these Rules or at the hour to which the Senate adjourned at the next preceding session. Upon the appearance of a quorum, he shall cause the Senate to proceed with the daily order of business. He may recess the Senate for periods of time not to exceed thirty (30) minutes.

Calling the Senate to order

1.3—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. In case of disturbance or disorderly conduct in the galleries or in the lobby, he may cause the same to be cleared. Unless otherwise authorized by the President, no food or newspapers shall be permitted in the Senate chamber while the Senate is in session.

The President's control of Chamber, corridors, and rooms

1.4—The President shall sign all acts, joint resolutions, resolutions, and memorials. No writ, warrant, subpoena or authorization for payment or other papers shall issue without the signature of the President. The President shall approve vouchers. He shall decide all questions of order, subject to an appeal by any Senator. The President is authorized to incur such travel and per diem expenses as are necessary in the preparation for the next session of the legislature. For the purposes of carrying on the financial business of the Senate, the President of the Senate and the Chairman of the Committee on Rules, Calendar, Privileged Business and Ethics shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred as authorized.

The President's signature to acts, warrants, subpoenas, etc.; decisions of questions of order; travel

1.5—The President shall appoint all standing committees and standing subcommittees as well as all conference and select committees which, from time to time, may be ordered by the Senate.

Appointment of committees

1.6—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.

The President's vote

1.7—The President may name any Senator to perform the duties of the Chair, but such substitution shall not extend beyond one (1) legislative day. In his absence and omission to make such appointment, the President Pro Tempore shall act during his absence.

Vacating chair

1.8—Upon the death of the President, the President Pro Tempore shall perform the duties of the office until and unless the Senate shall elect a successor. Upon and during disability, absence, or incapacity of the President beyond one (1) legislative day, the President Pro Tempore shall perform his duties.

President Pro Tempore

1.9—There shall be a Secretary of the Senate who shall be elected for a period of two (2) years, pursuant to the provisions of section 11.15, Florida Statutes. A staff of assistants shall be employed to regularly transact such business as required by law, by Rules of the Senate, or as assigned by the President. The Secretary shall take an oath to support the Constitution of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office.

The Secretary shall be under the supervision of the President of the Senate, who may assign additional duties to the Secretary from time to time. The Secretary shall be the enrolling and engrossing clerk of the Senate but shall designate an assistant enrolling and engrossing clerk. The Secretary shall generally supervise all matters pertaining to Senate business.

All secretaries, stenographers, typists, verifiers, and other clerical assistants not specifically assigned to a Senator, to a committee, or to a permanent office of the Senate shall be under the supervision of the Secretary.

1.10—In the absence of the President and the President Pro Tempore of the preceding session, the Secretary of the Senate shall, at the organizational session of the legislature, call the Senate to order and, pending the election of a President or a President Pro Tempore, 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.

1.11—The Secretary shall cause to be kept a correct Journal of the proceedings of the Senate, and this daily Journal shall be numbered serially from the first day of each session of the legislature. He shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. He shall not permit any records or papers belonging to the Senate to be removed from his custody other than in the regular

course of business and upon proper receipt. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.

1.12—The Secretary shall prepare a daily calendar which shall set forth: (1) the order of business; (2) the committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitutes; (3) the status of each bill, i.e., whether on second or third reading; and (4) notices of committee meetings.

1.13—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.

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

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

1.16—The Secretary shall examine bills upon their tender for introduction to 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.

1.17—The Secretary shall maintain, in addition to a numerical index of bills and resolutions, a cumulative index of measures by their introducers.

1.18—The Secretary shall transmit all bills, joint resolutions, concurrent resolutions, and appropriate memorials to the House of Representatives without delay; and each shall be accompanied by a message stating the title to the measure being transmitted and requesting the concurrence of the House.

Transmits bills,
etc., to House
of Representatives

1.19—There shall be a Sergeant at Arms of the Senate who shall be elected for a period of two (2) years, pursuant to the provisions of section 11.15, Florida Statutes. The Sergeant at Arms shall be under the supervision of the President. He shall take an oath to support the Constitution of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office.

Sergeant
at Arms

The doorkeepers, janitors, pages, messengers, and other attaches, except where otherwise specifically provided in these Rules or by the President, shall be under the supervision of the Sergeant at Arms.

The Sergeant at Arms shall attend the Senate during its sessions and maintain order under the direction of the President or other presiding officer; he shall execute the commands of the President of the Senate and of the Senate, and all processes issued by authority thereof. The Sergeant shall have charge of all property of the Senate and will disburse the expendable materials to Senators for their official use; he shall distribute the number of Journals and Calendars certified to him by the Secretary of the Senate. The Sergeant shall have general charge of the gallery of the Senate and shall maintain order therein and shall police the Chamber and committee rooms of the Senate and shall be responsible therefor.

PART TWO—SENATORS

1.20—Every Senator shall be within the Senate Chamber during its sessions unless excused for just cause or necessarily prevented and shall vote on each question,

Attendance
and voting

except that no Senator shall be required or permitted to vote on any question immediately concerning his private rights as distinct from the public interest.

Excused
absence

1.21—The President may excuse any Senator for just cause from attendance on the Senate and its committees for any stated period, and such excused absence shall be noted on the Journal.

Papers shall
be left

1.22—Any Senator necessarily absent from a session of the Senate or its committees and having in his possession any papers relating to the business of the Senate shall leave such papers with the Secretary before departing from the Capitol Building.

Members deemed
present unless
excused

1.23—Any Senator who answers roll call at the opening of any session or who enters after roll call and announces his presence to the Senate shall thereafter be considered present unless leave of absence is obtained from the President.

Contested seat

1.24—In cases of contest concerning a seat in the Senate, notice setting forth the grounds of such contest shall be given by the contestant to the Senate prior to the day of the organizational session of the legislature; and in such case, the contest shall be determined by majority vote as speedily as is 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.

Facilities for
members

1.25—Each Senator shall be entitled to such facilities and expense as may be necessary and expedient to the fulfilment of the duties of the office, the location and sufficiency of which shall be determined by the Rules, Calendar, Privileged Business and Ethics Committee.

PART THREE—EMPLOYEES OF THE SENATE

1.26—Disputes or complaints involving the competency or decorum of a legislative employee or attache of the Senate, except those officers elected by it, shall be referred to the Rules, Calendar, Privileged Business and Ethics Committee of the Senate. The Committee, in its discretion and with the approval of the President, shall have the right to discharge or suspend the employee or attache of the Senate, and the pay of such employee or attache shall stop upon the day of discharge. Any Senator's spouse or immediate relatives may serve in any authorized position, provided, however, that said spouse or relative shall not receive compensation for services performed in said positions.

Dismissal of employees

1.27—No employee or attache of the Senate shall directly or indirectly interest or concern himself or herself with passage or consideration of any measure whatsoever. Violation of this rule by an employee or attache shall be grounds for summary dismissal. This rule shall not preclude the performance of such duties as may be delegated to a Senator's aide.

Employees forbidden to lobby

1.28—Employees and attaches 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, attaches and employees will remain on duty as required. When the Senate is not in session, permanent staff of the Senate shall observe the same hours of employment as regular capitol employees.

Hours of employment and duties of employees

1.29—If employees are absent without prior permission, save for just cause, their employment shall be terminated or their compensation forfeited for the period of absence as determined by the President.

Penalty for absence of employees without permission

1.30—Senate employees shall be regulated concerning their political activity pursuant to Florida Statutes, Section 110.092.

Senate employees' political activity

1.301—There is hereby created a Division of Management and Personnel to be administered by a Director who shall be appointed by and serve at the pleasure of the President of the Senate, provided that such appointment shall be upon the advice and consent of the Committee on Rules, Calendar, Privileged Business and Ethics.

Management and
Personnel Division,
director of;
powers and duties

It shall be the responsibility of the Director to administer the affairs of the Division of Management and Personnel and to employ, discharge, assign and coordinate the activities of all Senate staff with the concurrence of the President of the Senate except the personal staff of a Senator and those assigned to the Secretary of the Senate and the Sergeant at Arms, provided, however, that no committee staff shall be employed or discharged without the concurrence of the President of the Senate and the respective committee chairman.

(Adopted December 8, 1971, Pages 48 and 49, Senate Journal)

1.302—Notwithstanding anything in these Rules to the contrary the Office of the Minority Leader of the Senate shall be entitled to at least one (1) Executive Assistant who shall be recommended to the Director of the Division of Management and Personnel by the Minority Leader and who shall serve at the pleasure of said Minority Leader.

Executive assistant,
Office of Minority
Leader entitled to

(Adopted December 6, 1971, Page 28, Senate Journal)

PART FOUR—LEGISLATIVE CONDUCT AND ETHICS

1.31—Every Senator shall so conduct himself to justify the confidence placed in him by the people and by personal example and admonition to colleagues shall maintain the integrity and responsibility of his office.

Legislative
conduct

1.32—A Senator shall not accept anything which will improperly influence his official act, decision, or vote.

Improper
influence

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

Conflicting
employment

1.34—A member of the Senate shall not use his influence as a Senator within a state board, commission, or public agency in any matter which involves substantial conflict between his personal interest and his duties in the public interest.

Undue
influence

1.35—A member of the Senate prior to taking any action or voting upon a measure in which he has a personal, private, or professional interest which would inure to his special private gain or the special gain of any principal to which he is obligated, shall disclose the nature of his interest as a public record in a memorandum filed with the Secretary of the Senate and such disclosure shall be reported in the Journal immediately following the vote on the measure.

Disclosure

1.36—Upon disclosure, a member may disqualify himself from voting on a measure in which he has a conflict of interest and such shall be reported in the Journal immediately following the vote on the measure.

Disqualification

1.37—Senate employees shall be accountable to the intent of this rule.

Senate
employees

1.38—All questions relating to the interpretation and enforcement of these Rules touching upon legislative conduct and ethics shall be referred to the Rules, Calendar, Privileged Business and Ethics Committee or shall emanate therefrom. A member of the Senate may

Advisory
opinions

submit a factual situation to the Rules, Calendar, Privileged Business and Ethics Committee 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 his consent.

1.39—Separately from any prosecutions or penalties otherwise provided by law, any member of the Senate determined to have violated the requirements of the rule may be censured, reprimanded, or expelled. Such determination and disciplinary action shall be taken by a two-thirds (2/3) vote of the Senate, upon recommendation of the Rules, Calendar, Privileged Business and Ethics Committee. The Committee, before making said recommendation, shall conduct a hearing after giving reasonable notice to the Senator alleged to have violated this rule and granting said Senator an opportunity to appear at the hearing.

Rule Two

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

PART ONE—COMMITTEES

2.1—Permanent standing committees and standing subcommittees, when created and designated by rule of the Senate, shall exist and function both during and between sessions. At the organizational session preceding the regular session of each odd numbered year, the President shall appoint the membership of the following named standing committees and standing subcommittees provided that each standing committee shall consist of not less than five (5) nor more than twenty-one (21) members.