

cludes the plural. (b) The masculine always includes the feminine.

Rule Twelve

EXECUTIVE SESSION

12.1—The business of the Senate shall be transacted openly and not in executive session except under conditions pursuant to Article III, section 4(b) of the Constitution of Florida.

12.2—Pursuant to Article III, section 4(b), of the Constitution of Florida, the Senate may resolve itself into Executive Session for the sole purpose of considering appointment, removal, or suspension during which no one shall be in attendance except Senators and the Secretary of the Senate, who shall be sworn not to disclose any executive business without consent of the Senate.

12.3—(a) Except as otherwise herein provided, upon receipt by the Senate of appointments, removals, or suspensions upon which the consent of the Senate is required, the President shall refer each to an appropriate select committee whose charge it shall be to make inquiry or investigation and advise the President and the Senate as to its recommendation concerning the subject referred and as to the necessity for deliberating such subject in executive session. Reports and findings of select committees appointed pursuant hereto are advisory only and shall be made in executive session.

(b) An executive suspension of a public official who is under indictment or who has pending against him criminal charges filed by the appropriate prosecuting officer in a court of record shall be referred to a select committee but shall be held in suspense by such committee and shall not be considered by the Senate until the pending charges have been dismissed or until final determination of the charges at the trial court level.

(c) The governor and the suspended official shall be given reasonable notice of any hearing before the select committee, master or examiner.

(d) When it is advisable, the select committee may request that the governor file a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after the receipt of such statement by the suspended officer, he shall file with the select committee a response to the governor's statement. Such response shall admit or deny the facts or circumstances set forth in the governor's statement, and may further make such representation of fact and circumstance as may bear on the matter of his suspension.

(e) The select committee, master or examiner, may provide for a pre-hearing conference with counsel for the governor and for the suspended official to narrow the issues involved in the suspension matter. At such conference, both the governor and the suspended official shall set forth the names of witnesses, the nature of their testimony, and all evidence which will be relied on by the parties at the committee hearing, and each shall state to the committee what each expects to show by such testimony and evidence.

(f) Subject to the limitations of rule 12.3(b), the select committee, master or examiner shall conclude its hearings and make final recommendations to the senate within six months after the effective date of the suspension order. In the event that a suspension order is referred to the select committee but is held in suspense by that committee in accordance with Rule 12.3(b), then the committee, master or examiner shall act within six months after determination of the charges at the trial court level. The Senate shall act upon such recommendations within thirty (30) days after the report of such recommendations to the senate.

(g) Within sixty (60) days after the senate shall have acted upon the recommendation of the select committee, master or examiner, any party to the suspension matter may recover, at that party's expense, any exhibit, document or other evidentiary matter

introduced before the committee. After the expiration of sixty (60) days, the committee may dispose of such exhibits or other evidence in such manner as it deems advisable.

12.4—When the Senate agrees, by a majority of Senators present in executive session, that specified appointments, removals, or suspensions shall be considered in open session, such shall be accordingly calendared for formal consideration by the Senate.

12.5—All information and remarks including committee work product concerning the character and qualification together with the vote on each appointment, removal, or suspension considered in executive session shall be kept a secret except so much thereof upon which the bans of secrecy shall have been specifically lifted by the Senate while in executive session.

12.6—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.

12.7—Violation of the above Rule as to the secrecy of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for the unseating of the offending Senator.

(Amended May 7, 1971, Page 295, Senate Journal)

Rule Thirteen

SPECIAL SESSION

13.1—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.

Applicability
of Senate rules

13.2—The Senate shall meet each legislative day at 9:00 a.m..

Sessions of
the Senate