

RULES OF THE FLORIDA SENATE

RULE ONE

OFFICERS, SENATORS, EMPLOYEES, AND ETHICS

PART ONE—OFFICERS OF THE SENATE

1.1—Election of the President, President Pro Tempore, and Minority 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 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 Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office. At said organization session, the minority party shall by caucus elect a leader, the name of whom shall be certified to the Secretary of the Senate.

1.2—Calling the Senate to order

The President shall call the Senate to order at the hour provided by these Rules or at the hour 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.

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. In case of disturbance he may cause the area to be cleared. Unless authorized by the President, no food or newspapers shall be permitted in the Senate Chamber while the Senate is in session.

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

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 and Calendar shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred as authorized.

1.5—Appointment of committees

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.

President, Secretary

1.6—The President's vote

The President shall not be required to vote in legislative proceedings. In all yea and nay votes, the President's name shall be called last.

1.7—Vacating chair; duties of President Pro Tempore

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

(b) Upon the death, disability or other absence of the President and his omission to make such appointment, the President Pro Tempore shall assume the duties of the chair.

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

(d) Upon the resignation of the President from that office, he may, prior to such 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 Secretary of the Senate

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 Constitutions 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 may designate an assistant enrolling and engrossing clerk. The Secretary shall generally supervise all matters pertaining to Senate business.

1.9—Secretary's duties at organization

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 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.

1.10—Duties generally; keeps Journal

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.

1.11—Daily calendar

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.

1.12—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, subpoenas, and authorizations for payment 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 upon their tender for introduction but prior to their receiving a number he shall determine whether they meet the requirements of law and of these Rules. The Secretary shall direct the attention of the introducer to apparent defects, but the introducer shall be exclusively responsible for the constitutional and legal correctness of the bill.

1.16—Indexes bills

The Secretary shall maintain a numerical index of bills and resolutions and a cumulative index by introducers.

1.17—Transmits bills to House of Representatives

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

1.18—Receives and delivers for reading messages from House; summaries of House amendments to Senate bills

The Secretary shall receive all messages from the House of Representatives and shall be responsible for their security. He 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 Senate Legislative Services for research and summary. He may retain such messages for two (2) days and shall cause such summaries to be delivered to each Senator on the morning of the day such messages shall be acted upon by the Senate. Special notice of the summaries will be given to those Senators who are prime introducers of bills amended by the House.

1.19—Sergeant at Arms; election and duties

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 Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office.

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

Senators, Employees

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—Attendance and voting

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

1.21—Excused absence

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

1.22—Senate papers left with Secretary

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.

1.23—Members deemed present unless excused

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.

1.24—Contested seat

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 organization 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.

1.25—Facilities for members

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 President.

PART THREE—EMPLOYEES OF THE SENATE

1.26—Dismissal of employees; services of spouse

Disputes of complaints involving the competency or decorum of a Senate employee or attache, except those officers elected by it, may be resolved by the President who may terminate the services of any employee or attache for just

cause, or in his discretion, may refer the matter to the Committee on Rules and Calendar for its recommendation. The pay of an employee so terminated shall stop upon the date of termination. 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.

1.27—Employees forbidden to lobby

No employee or attache 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 or attache shall be grounds for summary dismissal. This rule shall not preclude the performance of such duties as may be properly delegated to a Senator's aide.

1.28—Duties and hours

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 or in case of part-time employees and Senator's personal aides, such hours as may be prescribed by their department head.

1.29—Absence without permission

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.

1.30—Political activity

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

1.31—Secretary; supervision of employees

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.

1.32—Sergeant at Arms; supervision of employees

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

PART FOUR—LEGISLATIVE CONDUCT AND ETHICS

1.33—Legislative conduct

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.

1.34—Improper influence

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

Code of Ethics; Committees

1.35—Conflicting employment

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

1.36—Undue influence

A member of the Senate shall not use his influence as a Senator in any matter which involves substantial conflict between his personal interest and his duties in the public interest.

1.37—Disclosure and disqualification

A Senator shall disclose any personal, private, or professional interest in a bill which would inure to his special private gain or the special gain of any principal to whom he is obligated. Such disclosure shall be filed with the Secretary of the Senate for reporting in the Journal immediately following the record of the vote on the measure. Such disclosure may explain the logic of voting or of his disqualification.

1.38—Senate employees and conflicts

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

1.39—Advisory opinions

All questions relating to the interpretation and enforcement of these Rules touching upon legislative conduct and ethics shall be referred to the Committee on Rules and Calendar or shall emanate therefrom. A member of the Senate may submit a factual situation to the Committee on Rules and Calendar with a request for an advisory opinion establishing the standard of public duty. The Committee shall enter its opinion responding to each inquiry. All opinions shall, after hearing, be numbered, dated, and published in the Journal of the Senate. No opinion shall identify the requesting Senator without his consent.

1.40—Penalties for violations

Separately from any prosecutions or penalties otherwise provided by law, any 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, upon recommendation of the Committee on Rules and Calendar. The Committee, before making said recommendation, shall conduct a hearing after giving reasonable notice to the Senator alleged to have violated this rule and grant said Senator an opportunity to appear at the hearing.

RULE TWO

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

PART ONE—COMMITTEES ORGANIZATION, DUTIES AND RESPONSIBILITIES

2.1—Standing committees; standing subcommittees

Permanent standing committees and standing subcommittees, when created and designated by rule of the Senate, shall exist and function both during and