

## Points of order; appeals, privilege; lobbying

### 8.8—Questioning right to vote

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

### 8.9—Appeals

The proper method of taking exception to a ruling of a presiding officer is by appeal. An appeal from a decision of the presiding officer must be made promptly, and 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 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 out of which it arose was not debatable.

### 8.11—Questions of privilege

Questions of privilege shall be: first, those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and second, the rights, reputation, and conduct of Senators individually, in their representative capacity only. 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.

What is a question of privilege?

1. Questions which relate to the body or its members in such a manner as to affect proper functioning of the body are questions of privilege. It is necessary that these questions be under the immediate control of the body. They relate to the rights and privileges of the body or any of its members in their official capacity, or to the comfort and convenience of the body or its members in the performance of their official duties.

2. "Questions of privilege" should be distinguished from "privileged questions" which is a class of motions having the highest precedence.

3. Questions of privilege are of two types: They may relate to the privilege of the entire body, which are known as questions of "privilege of the house", and questions of "privilege" which relate to a member, which are known as questions of "personal privilege". In case of conflict, questions of privilege of the house take precedence over questions of personal privilege.

## RULE NINE

### LOBBYING

#### 9.1—Those required to register

All persons, except members of the Florida Legislature, or duly authorized

## **Lobbyists registration, obligations, reports**

aides designated in writing by such members, who seek to encourage the passage, defeat, or modification of any legislation in the Senate or before its committees shall, before engaging in such activity, register with the Secretary of the Senate. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature.

### **9.2—Method of registration**

Every such person shall register on forms prepared by the Secretary and shall state under oath his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interests, and the duration of his agency.

The Secretary shall publish in the Journal, in tabulation form, a list of those filing the registration statements under this Rule together with the information contained therein, on the first Monday of the session and weekly thereafter.

No registered lobbyist shall be permitted upon the floor of the Senate while it is in session, nor shall he deliver or cause to be delivered any message into the Senate Chamber while the Senate is in session.

### **9.3—Registration, exception**

Any person who, on an isolated basis and without intent to continue beyond a single legislative day, merely appears before a committee or committees of the Senate in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the Senators or committees with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

### **9.4—Obligations of lobbyist**

A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

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.

### **9.5—Periodic reports required**

A lobbyist shall submit to the Secretary of the Senate within thirty (30) days following a regular session of the legislature a signed and certified statement listing all lobbying expenditures and sources from which funds for making such expenditures have come. Lobbying expenditures shall not include personal expenses for lodging, meals and travel. Thereafter each lobbyist, so long as he

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remains so registered as a lobbyist, and every person who registers as a lobbyist, shall submit to the Secretary of the Senate no later than Friday of the first week of each regular session a like signed and certified statement of all interim lobbying expenditures including expenditures at special sessions, if any. Said statements shall be rendered in the form provided by the Secretary of the Senate and shall be open to public inspection. A statement shall be filed even if there have been no expenditures during a reporting period.

### **9.6—Ethics Committee advisory opinions**

A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Committee on Rules and Calendar and may appear in person before said committee.

The Committee on Rules and Calendar may render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case would constitute a violation of these Rules. All opinions shall delete names and be numbered, dated, and published in the Journal of the Senate.

### **9.7—Compilation of opinions; list of lobbyists**

The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Rules and Calendar as well as a current list of registered lobbyists and their respective reports required under these Rules, all of which shall be open to public inspection.

### **9.8—Penalties for violations**

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. Said determination shall be made by a majority of the Senate, upon recommendation of the Committee on Rules and Calendar. The Committee on Rules and Calendar, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

### **9.9—Secretary to provide forms**

The Secretary shall provide blank affidavits for the convenience of registrants, but the burden of compliance nevertheless always shall be upon the person required to register.

### **9.10—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 this rule, and to report violations. No committeeman shall knowingly permit an unregistered lobbyist to be heard.

## **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