

## Construction and Waiver of Rules; Executive Sessions

always be in order. The Committee on Rules and Calendar may originate reports and resolutions dealing with these 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 the members present.

### 11.4—Majority action

Unless otherwise indicated by these Rules, or the Constitution of Florida, all action by the Senate shall be by majority vote of those Senators present.

### 11.5—Uniform construction

Whenever in these 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 Senate shall be required to consider additional proposed legislation in any extended session in accordance with article III, section 3, of the Constitution.

### 11.6—General

When used in these Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning: (a) the singular always includes the plural, (b) the masculine always includes the feminine. 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 Constitution of Florida.

#### 12.2—Executive session: purpose

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—Executive session: vote required

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

#### 12.4—Work product confidentiality

All information and remarks including committee work product concerning

## **Suspensions and Removals: procedures — select committee, special master**

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.

### **12.5—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 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.

## **PART TWO—SUSPENSIONS AND REMOVALS**

### **12.7—Procedure**

(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, or to a Special Master appointed by the President, 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 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 shall be privileged and confidential. The President of the Senate may order the report presented to the Senate in either open or executive session, or he may refer it to the Committee on Rules and Calendar for its consideration and report. At the time the report is presented to the Senate in open session or received by the Committee on Rules and Calendar, the report shall lose its privileged and confidential character.

(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, or an executive suspension of a public official which is in any manner challenged in a court shall be referred to a select committee or Special Master but shall be held in suspense by such committee or Special Master and shall not be considered by the Senate until the pending charges have been dismissed or until final determination of the criminal charges at the trial court level, or in the case of a court challenge, until the final determination of the challenge, including the exhaustion of appellate remedies.

In any suspension case in which the indictment or criminal charge is not for the alleged commission of a felony the select committee, the Master and the Senate may proceed if the written consent of counsel for the Governor and for the suspended official is obtained.

(c) The Governor and the suspended official shall be given reasonable notice of any hearing before the select committee or Special Master.

## Suspensions and Removals: Special Master

(d) When it is advisable, the select committee or Special Master 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 or Special Master 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 or Special Master 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 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 12.7(b) the select 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. In the event that a suspension order is referred to the select committee or Special Master but is held in suspense in accordance with Rule 12.7(b), then the committee or Special Master shall institute action within three (3) months after the termination of pending proceedings as described in Rule 12.7(b). The Senate shall act upon the recommendations of the select committee or Special Master within thirty (30) days after the report of such recommendations to the Senate; provided, however, if the Senate shall order further consideration and a supplemental recommendation, the Senate shall act within thirty (30) days after the receipt of such supplemental recommendation. All cases pending on the adoption of Rule 12.7(b) and Rule 12.7(f) as amended shall be governed by the time limits imposed by Rule 12.7(f) as amended.

(g) Within sixty (60) days after the Senate shall have acted upon the recommendation of the select committee or Special Master, any party to the suspension matter may recover, at that party's expense, any exhibit, document or other evidentiary matter introduced by such party. After the expiration of sixty (60) days, the committee or Special Master may dispose of such exhibits or other evidence in such manner as it deems advisable.

### **12.8—Special Master: appointment**

The Senate 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 shall prescribe. The Special Master shall not be an employee or attache under Senate Rule One, Part Three, Sections 1.26, 1.27, 1.28, 1.29 or 1.30.

### **12.9—Special Master: floor privilege**

With consent of the Senate President, the Special Master may have the privilege of the Senate floor during any open or executive session for the purpose of presenting and explaining his report and answering questions as to the law and facts involved in the report.

**Power of select committee and special master;  
Special Session**

**12.10—Issuance of subpoenas, etc.**

The Select Committee and the Special Master shall each have the authority to request the issuance of subpoenas, subpoenas duces tecum and other necessary process as in the case of standing committees under Rule 2.2. The committee chairman and the Special Master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear for the purpose of testifying in any matter pending before the committee or Special Master.

## **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 adopted from time to time by the Committee on Rules and Calendar and approved by the President.

**13.3—Committee meetings: schedule; notice**

Committee meetings shall be coordinated and scheduled by the Committee on Rules and Calendar, or a subcommittee thereof. Meetings of standing committees and standing subcommittees scheduled in accordance with this rule may be held following an announcement by the chairman while the Senate is in session, and by the posting of notice on a bulletin board in the public corridor leading into the Senate Chamber for two (2) hours in advance of the meeting. All other provisions for publication of notice of committee meetings are suspended.

**13.4—Delivery for introduction**

All bills and other measures for introduction may be delivered to the Secretary of the Senate at any time.

**13.5—Committee reports**

Every bill, joint resolution, resolution and memorial referred to a standing committee or committees shall be reported to the Secretary before 4:30 p.m. of the third calendar day from the day of reference (the day of reference not being counted as the first day) unless otherwise ordered by the Senate by majority vote. Any bill upon which no committee report is filed as herein provided may be withdrawn from such committee and appropriately calendared upon point of order, provided that no bill may be thus withdrawn from the Committee on Ways and Means during the first five (5) days of a special session. Every bill, joint resolution, resolution, and memorial referred to a standing subcommittee shall be reported to the standing committee at a time specified by the chairman of the standing committee which shall not be beyond the time allowed herein.

**13.6—Conference Committee Report**

The report of any committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days and, upon the