



Journal of the Senate

ORGANIZATION SESSION

Tuesday, November 19, 2002

Journal of the Senate for the Organization Session of the Eighteenth Legislature to be convened under the Constitution of Florida, as revised in 1968, and subsequently amended, begun and held at the Capitol in the City of Tallahassee, in the State of Florida, on Tuesday, the nineteenth day of November, 2002, being the day fixed by the Constitution for the purpose of organization.

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Violence will no more be heard in your land,
 ruin or destruction within your borders.
 You will call your walls, Salvation,
 and all your portals, Praise.
 The Sun will no more be your light by day;
 by night you will not need the brightness of the moon.
 The Lord will be your everlasting light,
 and your God will be your glory.

God of light, God of righteousness, God of justice; be with Jim King and this Senate body, as they minister together for the good of your people, to the glory of your Holy Name. Amen.

CALL TO ORDER

The Senate was called to order by Faye W. Blanton, Secretary of the Senate at 10:00 a.m.

PRAYER

The following prayer was offered by the Rev. Dr. Richard Turk of St. Andrew's Episcopal Church, Jacksonville:

It is my joy and honor to be with you this morning, especially on this day when my friend, Senator Jim King, accepts this position of leadership in service to the people of our great State of Florida. I have often seen Jim, and his beautiful spouse, Linda, bow their heads before our Creator God, and I am proud to call them friends.

It is also my joy to witness this body politic pause to honor the Creator, the God whom the sacred scriptures proclaim is a God of justice and righteousness, a God who upholds the dignity and worth of all creation. It is necessary to pause before God, to remind ourselves that what we do is not for our own honor and glory, but for the honor and glory of God. We have heard it said that we must "let our light so shine before all peoples, that they will see our good works and give glory to the Father in heaven." We hear the truth, that as we allow our light to be the light of God, then we will be blessed and God honored.

This morning I ask that you open your hearts and minds to this light of God outlined in the words of Scripture written in the Sixtieth Chapter of the book of the prophet Isaiah:

Arise, shine, for your light has come,
 and the glory of the Lord has dawned upon you.
 For behold, darkness covers the land;
 deep gloom enshrouds the peoples.
 But over you the Lord will rise,
 and his glory will appear upon you.
 Nations will stream to your light,
 and kings to the brightness of your dawning.
 Your gates will always be open;
 by day or night they will never be shut.
 They will call you, The City of the Lord,
 The Zion of the Holy One of Israel.

HONOR GUARD

At the direction of the Secretary, the Sergeant at Arms opened the doors of the chamber and the Adjutant General's Honor Guard from St. Augustine marched into the chamber bearing flags of the United States of America and the State of Florida.

The Honor Guard included the following members: Lieutenant Colonel Glenn Sutphin, Master Sergeant Paul Klug, Sergeant First Class Ron Haynes, Sergeant First Class Vince Simpson and Sergeant First Class Miguel Fabregas.

PLEDGE

Senator Atwater led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The Secretary recognized Dr. Jim Dolan of Jacksonville, sponsored by Senator King, as doctor of the day. Dr. Dolan specializes in Orthopedic Surgery.

SPECIAL PERFORMANCE

The Secretary introduced The Boys Choir of Tallahassee led by Professor Earle Lee, who is with the School of Social Work at Florida State University. The choir performed several selections for the Senate.

CERTIFICATE RECEIVED

The Secretary announced that The Honorable Jim Smith, Secretary of State, had certified to the election of 40 Senators as follows:

STATE OF FLORIDA OFFICE OF SECRETARY OF STATE

I, Jim Smith, Secretary of State of the State of Florida, do hereby certify that the following Members of the State Senate were elected at the General Election held on the Fifth day of November, A.D., 2002, as shown by the election returns on file in this office:

SENATE DISTRICT	ELECTED MEMBER	CITY
1	Anthony C. "Tony" Hill	Jacksonville
2	Durrell Peaden, Jr.	Crestview
3	Nancy Argenziano	Dunnellon
4	Charlie Clary	Destin
5	Steven R. Wise	Jacksonville
6	Alfred "Al" Lawson, Jr.	Tallahassee
7	Evelyn Lynn	Ormond Beach
8	Jim King	Jacksonville
9	Daniel Webster	Orlando
10	Tom Lee	Brandon
11	Mike Fasano	New Port Richey
12	Victor Crist	Tampa
13	Dennis L. Jones	Seminole
14	Rod Smith	Alachua
15	Paula Dockery	Lakeland
16	Jim Sebesta	St. Petersburg
17	JD Alexander	Lake Wales
18	Lesley "Les" Miller, Jr.	Tampa
19	Gary Siplin	Orlando
20	Anna Cowin	Leesburg
21	Mike Bennett	Bradenton
22	Lee Constantine	Altamonte Springs
23	Lisa Carlton	Sarasota
24	Bill Posey	Rockledge
25	Jeffrey Atwater	North Palm Beach
26	Howard Futch	Melbourne
27	Dave Aronberg	West Palm Beach
28	Ken Pruitt	Port St. Lucie
29	M. Mandy Dawson	Ft. Lauderdale
30	Ron Klein	Boca Raton
31	Steven A. Geller	Hallandale
32	Walter "Skip" Campbell	Ft. Lauderdale
33	Frederica S. Wilson	Miami
34	Debbie Wasserman Schultz	Weston
35	Gwen Margolis	Adventura
36	Alex Diaz de la Portilla	Miami
37	Burt Saunders	Naples
38	J. Alex Villalobos	Miami
39	Larcenia J. Bullard	Miami
40	Rodolfo "Rudy" Garcia, Jr.	Hialeah

Wasserman Schultz Wilson Wise
Webster

SPECIAL GUESTS

The Secretary introduced the following guests: Governor Jeb Bush; Lieutenant Governor Frank Brogan; Republican Party Chairman Al Cardenas; former Senator, Commissioner of Agriculture Charles H. Bronson; former Senator, Commissioner of Education and Attorney General-elect Charlie Crist; Treasurer and Insurance Commissioner, and Chief Financial Officer-elect Tom Gallagher; Secretary of State Jim Smith; Chief Justice of the Supreme Court Harry Lee Anstead; Attorney General Richard Doran; and former Senators Bill Bankhead, Department of Juvenile Justice Secretary; Tom Slade; and Ron Silver.

The Secretary also introduced the following former Senate Presidents: Gwen Margolis; Mallory Horne; John Vogt; Toni Jennings; and John McKay and his wife, Michelle.

ORGANIZATION

The Senate proceeded to the organization of the body.

NOMINATIONS FOR PRESIDENT

The Secretary announced that nominations would be received for President of the Senate, pursuant to Article III, Section 2 of the Constitution, for a term of two years.

The Secretary recognized Senator Pruitt who placed in nomination the name of Senator James E. "Jim" King, Jr. of the 8th Senatorial District.

Senator Pruitt: Senators, Madam Secretary, honored guests, friends in the gallery, I have the high honor today to nominate a dedicated public servant, a committed Floridian, and a dear friend, for President of the Florida Senate for the 2002-2004 term, Senator Jim King of Jacksonville.

A few months ago, I was privileged to nominate Jim King for President-designate of the Republican Caucus. On that day, I spoke of the storybook life of a young man from St. Petersburg who came from meager beginnings and who rose to achieve astounding personal accomplishments. A man, who started his first business at the age of 16 and who has become a pillar of his community, and a man who is living proof that dreams can be realized through hard work and perseverance.

On that day, I told you of a leader who would do anything for a friend and of someone who is always there to give guidance when needed. On that day, I told you that this man's story was only half written and that in the years to come, Jim would add many chapters full of promise, integrity and courage. Today, one more chapter in that storybook life will be written.

Ever since Jim was first sworn into the Florida Legislature, he was destined to be a leader. Even as a member of the minority party seated in the back rows, his effectiveness as a consensus builder was evident. Jim was often credited with bringing members of parties together for the greater good and with bridging the gap between chambers to bring contentious issues to fruition.

To list all of Jim's legislative accomplishments which have brought us to this day would take more time than we have. His legislative resumé lists such successes as the Death with Dignity legislation, opening Floridians' eyes to the damaging effects of hate crimes, fighting to help find cures to life-threatening diseases, and helping to make Florida a safer place for our families.

Jim, over the past few months, you have traveled to every corner of this state, logging thousands of miles in the process. You have been to old, familiar places and to others that you had never visited. You met with old friends and colleagues and learned of the hopes of Floridians from the Panhandle to the Keys. You talked about the ongoing problems facing our state and learned of new challenges that may lie ahead.

Most importantly, you heard the voice of Florida: The voice of parents, of business owners, of teachers, of environmentalists, of those who care for our sick and old, and of the people that protect us and keep our neighborhoods safe.



GIVEN under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capitol, this the 17th day of November, A.D., 2002

JIM SMITH
SECRETARY OF STATE

OATH OF OFFICE ADMINISTERED

The oath of office was administered by The Honorable Harry Lee Anstead, Chief Justice, Florida Supreme Court, to the recently elected Senators.

ROLL CALL

The roll of the Senate, as then constituted by the 40 newly elected members, was called by the Secretary in alphabetical order and the following members of the Senate were recorded present:

Alexander	Dawson	Lee
Argenziano	Diaz de la Portilla	Lynn
Aronberg	Dockery	Margolis
Atwater	Fasano	Miller
Bennett	Futch	Peaden
Bullard	Garcia	Posey
Campbell	Geller	Pruitt
Carlton	Hill	Saunders
Clary	Jones	Sebesta
Constantine	King	Siplin
Cowin	Klein	Smith
Crist	Lawson	Villalobos

I know, dear friend, that this will be the voice that will guide you as you lead this chamber and our great state these next two years. There is no doubt that the coming years will be challenging, but I know that you will lead this body boldly and, in the end, that Florida will be a better place because of you.

The road which brought you to this day has been long. It has been full of both success and disappointment, but most of all it has been a road well traveled. Your wife and partner, Linda, has been a guiding light through these travels. She has laughed with you and she has cried with you, all the while never leaving your side. Linda King will be an incredible First Lady of the Florida Senate.

You have come a long way to this day, and I am proud to have been a witness to your journey.

They say a picture speaks a thousands words. I hope you will indulge us for a moment as we play this video in honor of the journey that has brought you to this wonderful day.

[Video]

Senators, ladies and gentlemen, I now have the distinct pleasure and high honor to nominate Senator Jim King as President of the Florida Senate.

The Secretary recognized Senator Posey who seconded the nomination of Senator King.

Senator Posey: Senators, honored guests, friends and family members in the gallery, when offered the opportunity to second the nomination of our next Senate President, I reviewed dozens of nominating speeches. One of those speeches, perhaps even the best one, was made by then State Representative Jim King when he referred to another leader's ascension to leadership as "deserved." Jim King said the nominee was "intelligent, politically savvy, and a true visionary." Ladies and gentlemen, that is the very essence of Senator King; intelligent, politically savvy, and a true visionary.

Times like these demand leaders with a strong, yet reasoned and seasoned sense of duty and responsibility; someone not only with the willingness to perpetuate the expected leadership of the Florida Senate, but also the demonstrated ability! With that spirit in mind, we are here today to elect a President and to mark him with our seal of approval, our seal of confidence and commitment.

Senator Jim King is that leader and that is why I am honored to be here; to speak, as a colleague and a friend. Because he is such a leader. Because he is so suited for, and up to, the task. Senator King is a self-made man. He wasn't born with a silver spoon in his mouth. He knows the value of hard work, persistence, sacrifice and optimism. He knows the value of a dollar. He knows strength comes through adversity—and only by adversity.

Adversity brings out the best in people and it brought out the best in him. He has been rich and he has been poor; don't think we need to ask him which of those he prefers. He has served as a legislative member of the minority and he has served as a member of the majority; don't think we need to ask him which of those he prefers, either. He knows how to work hard and he knows how to play hard. In all honesty, he might have trouble telling you which one of those he prefers because he is truly one of those unique people who have mastered the art of making work fun, perhaps in large part, because he loves what he does and it shows! Sometimes the roller coaster goes so fast it is difficult for many of us to enjoy the ride. Not so for Jim King. He seems to love every moment of it!

Jim King also loves Linda King. Yes, like many of us, he was also smart enough to "marry up!" Jim King loves his family; Jim King loves his friends; Jim King loves Jacksonville; Jim King loves the State of Florida, Jim King loves the Seminoles; and Jim King loves the Florida Senate. He also loved being the 20th Century's first Republican House Majority Leader and a 21st Century Senate Majority Leader. Arguably, one of the legislature's all-time eloquent public speakers, full of charm, wit and fluid intelligence, he can also be described by the most complimentary definition of the word "pragmatic." His knowledgeable, competent and respected leadership has been based on facts and the application of common sense. The antidote for any of Jim's shortcomings is vested in his wife, Linda, who like her predecessor, will provide her soul

mate with immeasurably important intuition, support, even more optimism, and balance.

My respect for Senator King has grown each of the going-on-ten-years that I have known him. To say that he never ceases to impress me would be an understatement. Those are just a few of the reasons that I am honored to second the nomination of Senator Jim King for President of the Florida Senate.

The Secretary recognized Senator Smith who further seconded the nomination of Senator King.

Senator Smith: Members of the Cabinet and honorable justices, my fellow Senators, Madam Secretary, friends, family and fellow Floridians, I rise today with appreciation to the citizens of the 14th Senate District who have chosen me to serve them in this great body, and have thus allowed me the honor to second the motion made by the Senator from the 28th District to place in nomination the name of Senator Jim King to lead this distinguished body for the upcoming term as Senate President. It is a great honor to have even been allowed to do this.

Senator King brings with him qualities that will maximize the influence of every member of this chamber in shaping Florida's future. Time and again, Senator King has proven his commitment to protecting those powers, duties, and responsibilities vested in this Legislature by the State's Constitution. We can all be confident that as Senate President, Senator King will prove to be a champion for this body's vision in its relationship with the House leadership, the Governor and the Executive Branch.

The heritage of the Florida Senate requires certain qualities in our President. The President must not only acknowledge, but must respect, the great diversity represented by this body. Each Senator, from Pensacola to Key West, arrives with distinct interests and constituencies. The Senate President must patiently move each of us from these seemingly parochial interests to those larger, over-arching interests that will better the lives of all Floridians.

Jim King possesses the qualities of patience, understanding, instinct and intelligence that will convince each Senator that while pursuing the narrower needs of his or her constituencies they can, at the same time, improve the quality of life throughout our state.

Jim King has earned respect and friendship from both sides of the aisle. He will be an ardent disciple for the principles of his party, without dismissing the ideas of others who hold very different views. He recognizes that each of us serves as Americans first, Floridians second, and representatives of our parties last. His years in politics have taught him that the people who brought us here expect us to set aside the elective contests that have recently divided us and, to now unite and effectively govern Florida together.

Jim King knows that the secret of the Senate is that all of us know more and can do more than any one of us. I would not be performing my duties today if I did not mention Jim King's gift of a mammoth sense of humor. He knows the difference between taking his work seriously and taking himself seriously. His ability to laugh, and make others laugh, will serve as a much needed respite from those pressures we will all face during the next two years. That sense of humor, combined with his professed James Bond good looks, are no doubt the reason that he won the heart of our new Senate First Lady, his lovely wife, Linda. Thank you in advance for sharing Jim's immense talent with Florida for the next two years.

I cannot imagine that we could face, in the next two years, problems any greater than were faced during the past two years. From the Select Joint Committee on the Manner of Appointment of Presidential Electors, to the Select Committee on Public Safety and Crisis Management, the challenges of the last few years have, at times, exacerbated our divisions while at other times, served to unite us against a common enemy.

Jim King's institutional standing has made him a resource to all of us in both circumstances. As we approach the daunting tasks ahead of us, I am proud to know that Senator Jim King will work to preserve all that is good about the Florida Senate.

On motion by Senator Smith, nominations for President were closed.

ELECTION OF PRESIDENT

The roll was called on the election of the President and each Senator voted in the affirmative by saying "Jim King."

The vote was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Futch	Pruitt
Bennett	Garcia	Saunders
Bullard	Geller	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

OATH OF OFFICE ADMINISTERED

On motion by Senator Webster that a committee be appointed to escort Senator King to the bar of the Senate and to the rostrum, the Secretary appointed Senators Diaz de la Portilla, Futch, Lee, Peaden and Pruitt. Senator King was escorted to the bar of the Senate where the oath of office was administered by The Honorable Harry Lee Anstead, Chief Justice, Florida Supreme Court, and then to the rostrum where he was seated.

On motion by Senator Jones that a committee be appointed to escort Mrs. King; Laurie Ann Wiley, Senator King's daughter; Rick Dolan, Laurie's fiancé and Monta Michelle Bolles and Captain Chuck Bolles, Senator King's daughter and son-in-law; to the rostrum of the Senate, the Secretary appointed Senators Carlton, Clary, Crist, Jones and Sebesta. Mrs. King was received by the President, presented to the Senate and seated.

The Secretary presented the gavel to President King.

PRESIDENT KING PRESIDING

INTRODUCTION OF PRESIDENT'S FAMILY AND GUESTS

The President acknowledged his brother, Jack McGuire, who was seated in the gallery, and numerous other family members, business associates and friends seated in the chamber and gallery and requested they stand for recognition.

NOMINATIONS FOR PRESIDENT PRO TEMPORE

The President announced that nominations would be received for President Pro Tempore for a term of two years and recognized Senator Lee who placed in nomination the name of Senator Alex Diaz de la Portilla of the 36th Senatorial District.

Senator Lee: Thank you Mr. President. Mr. President, Senators, our distinguished guests, Governor, Supreme Court Justices, even our folks in the press gallery, it is my distinct honor today to place into nomination the name of Senator Alex Diaz de la Portilla for the position of President Pro Tempore of the Florida Senate.

Senator Diaz de la Portilla asked me to make this nominating speech, not just because we are friends, but because I am one of the only Anglos in the Caucus that can pronounce his name accurately including, I might note, the Secretary of the Senate. He is the son of an immigrant to the United States of America and is a Cuban-American. I think he, like most Americans, appreciates democracy like people from this country never can. It is an honor to serve with him in the Senate. His political roots go back to the country of Cuba where one of his great grandfathers served as President of the Senate and another of his great grandfathers served as the Attorney General in Cuba. His grandfathers had two sons. Both of them served in the Cuban Congress. His political roots go back a long

way. He is, because of that, I think, and because of his travels through the United States through the history of his family, one of the great survivors, one of the great scrappers, one of the toughest street fighters that I have met. And I say that affectionately, Senator.

I do not think there is anyone in this chamber that possesses any greater political acumen than Senator Diaz de la Portilla. We all come here with the same tools, the same opportunity to be successful. And often it is our ability to manage the complex dynamics of the democratic process that determines who rises and who succeeds in the Florida Legislature. I cannot think of anyone who has done a better job of managing those tools and managing those dynamics than Senator Diaz de la Portilla.

I think what impresses me most about Senator Alex Diaz de la Portilla, I learned last summer when he was engaged in a vigorous campaign, a Republican primary for reelection to the Florida Senate. He ran against the special interests. He ran against many of the opinion leaders of his region, but he reaffirmed something that I have always believed in with his astounding and considerable victory. That is that when you run with the hearts of the people, when you run to represent those people who, but for you, will not have representation in their government, you will always prevail.

I don't know much Spanish, certainly not much that I can say in front of mixed company but, Mr. President, I am proud to place the name of Senator Alex Diaz de la Portilla into nomination for President Pro Tempore of the Florida Senate. Mi amigo, un Senador para el público; my friend, a Senator for the people.

The President recognized Senator Wasserman Schultz who seconded the nomination of Senator Diaz de la Portilla.

Senator Wasserman Schultz: Mr. President, Senators, Members of the Cabinet, Supreme Court, distinguished guests and members of our families, it is with great emotion, pride, and esteem that I second the nomination of my good friend from the 36th District, Senator Alex Diaz de la Portilla.

Now I stand before you not as a Democratic Senator, not as the person who just happened to sit next to him for the last two years, but as a friend who saw through the rough exterior, who was able to hear passion in the gravelly voice, and who knew that despite appearances, there was a committed, passionate, hardworking public servant.

You know, it was with great risk that I accepted this assignment. For those of you who know him by his reputation for promptness, there was always the chance that I would need to end my remarks with "accepting on behalf of Senator Diaz de la Portilla."

I want to tell you about the Alex Diaz de la Portilla who has become my friend, an unlikely ally and advocate in many respects when there was seemingly nowhere to turn.

Our process is one that puts a premium on loyalty and Alex Diaz de la Portilla is the epitome of loyalty. In a process that can be lonely and where one can feel as though one is toiling in the wilderness, allies who you know "have your back" when you need it most, are essential.

To my surprise when I came to the Florida Senate, especially after regularly doing battle in the House with the man popularly known as "Voucher Man," I found my most consistent ally in committee, on the floor, in debate, and even in getting bills agendaed, was Alex Diaz de la Portilla.

Let me illustrate for you the quality of the man who will serve as our President Pro Tempore for the next two years by telling you a story:

Last session, as the calendar became more frenzied, we were down to the last week of committees in the Senate and the last possible chance to have bills placed on a committee's agenda. I went to Senator Diaz de la Portilla, who chaired the Commerce and Economic Opportunities Committee, to basically plead for a spot on his agenda with yet another of my hopeless causes. He looked at me and said that there was very little room on his agenda, too many bills, and not enough time.

The frenzied nature of the end of session, results in a lot of horsetrading. He pointed out that he had an important issue on an agenda the next day in a committee on which we both served. It was a regional issue

that regularly divides our two counties. I was torn on the issue, so I suggested to him that he agenda my bill and if ultimately, I decided I could not vote with him the next day, that I would temporarily pass my bill on his agenda, which would effectively kill it for the session.

The next day arrived and when the amendment, sponsored by Senator Diaz de la Portilla came up, I ultimately did not vote with him. His Commerce Committee meeting was that afternoon and I was fully prepared to temporarily pass my bill, as your word is your bond in our process, and a deal is a deal.

However, with a rare few, friendships are more important than deals. I went to him before his meeting and said, "I'll be temporarily passing my bill." He answered, "No, you won't. Come to the meeting. Your bill is on the agenda." As most of my colleagues know, I tend to wear my heart on my sleeve and I got tears in my eyes, because this was an act of friendship, especially since Alex did not really even support my bill. Well, not only did he hear the bill in committee, ultimately he voted for it too. Of course, not without a parting wisecrack!

So while it might seem odd that a Democratic, Jewish woman from Broward County would be seconding the nomination of a Republican, Cuban man from Miami-Dade County, I ask you to look past the labels, look past appearances, and look at the man whose nomination I have the honor of seconding; a man with a big heart, big dreams for his people, and who will put the things we all value most, where they belong.

There is no one more well-suited to assist our President in leading us for the next two years, nor who exemplifies the ideals on which we in the Florida Senate pride ourselves. Senators, I proudly second the nomination of my friend, Senator Alex Diaz de la Portilla.

On motion by Senator Wasserman Schultz, nominations for President Pro Tempore were closed.

ELECTION OF PRESIDENT PRO TEMPORE

The roll was called on the election of the President Pro Tempore and each Senator voted in the affirmative by saying "Alex Diaz de la Portilla."

The vote was:

Yeas—39

Alexander	Dockery	Miller
Argenziano	Fasano	Peaden
Aronberg	Futch	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

OATH OF OFFICE ADMINISTERED

On motion by Senator Wasserman Schultz that a committee be appointed to escort Senator Diaz de la Portilla and his parents, Miguel and Fabiola Diaz de la Portilla, to the bar of the Senate and to the rostrum, the President appointed Senators Constantine, Cowin, Lawson, Lee and Wasserman Schultz. Senator Diaz de la Portilla was escorted to the bar of the Senate where the oath of office was administered by The Honorable Harry Lee Anstead, Chief Justice, Florida Supreme Court, and then to the rostrum where he was received by the President and seated.

ADDRESS BY THE PRESIDENT PRO TEMPORE

Senators and guests, this is truly a great honor.

I will tell you that when President Jim King called me and asked me to serve as his Senate President Pro Tempore, among different things he

talked about, he explained how this was a constitutional office and that if something were to happen to him, I, in effect, would become the Senate President. Of course, after telling him how honored I felt that he was asking me to take on such an important responsibility, I thought for a few seconds about Jim's well-being, and I immediately inquired about the state of his health. He told me his health was fine.

So to the *Miami Herald* editorial board or others who may have some concerns, I can emphatically tell you that Senate President Jim King is in perfect, perfect health.

In all seriousness, Senators, this is truly an honor. As you all know, our state and its leaders face difficult challenges these next two years; challenges that will require courageous choices.

What better person to lead us through these challenges than Senator Jim King. As a self-made man who went from rags to riches, Jim King knows a thing or two about challenges. President King knows about courage. In his first few years as a State Representative, he crossed party lines and passed a hate crimes bill because he had the courage of his convictions and he believed that victims are victims, regardless of race or color.

President King knows about loyalty. He knows that no man or woman succeeds on their own; that no one is an island unto themselves. He knows that a solid upbringing, a supportive and loving wife, and good friends, are all part of a complicated formula that leads to success.

Oscar Wilde once said that "The only way to have a friend is to be a friend." Well, Jim King is, above everything else, a friend; a friend with the work ethic, the competence, the values, the loyalty, and the courage to lead this Senate during these challenging times.

Jim, I thank you for your friendship. I understand that with this great honor you have given me comes great responsibility, great responsibility that I do not take lightly. I understand this is serious business. I promise you that I will stand by your side with the same faith and loyalty with which you have stood by mine.

Senators, Democrats and Republicans alike, it is an awesome privilege to serve as your Senate President Pro Tempore and to have the opportunity to work with each and every one of you. There are a lot of talented people in this chamber. Talent that, with good leadership, can be channeled and used to do great things for the people of Florida. While we may not always agree, we all understand that people can disagree without being disagreeable. As your Senate President Pro Tempore, I can tell you that the people of Florida are looking to us to lead on important matters. I know that working together, we will not let them down.

Finally Senators, on a personal note, I would not be standing here today without the love, support, and encouragement my mother and father gave me. They taught me that there was never a mountain I could not climb. Earlier today, my father told me how proud he was of me. I want my father and mother to know that whatever I've accomplished, it pales in comparison to their successes. Having to abandon law school in Cuba to flee from tyranny and oppression, they arrived in a foreign country, without speaking the language and without a penny to their name. My father picked tomatoes, waited tables, washed cars, and started a furniture business. My mother had the more difficult job. She took care of the kids.

Together, they taught their children the right values and the belief that with hard work and dreams, anything was possible. Together, they built a successful business and raised four children. In their adopted country, they saw three of their children become elected officials. This is my country and I love it. This is my State and I will do anything to advance the values and to fight for the people of this State. My parents represent those values. They are here today, as I said earlier. Maybe I'm standing a little taller than yesterday, but it's only because I am standing on their shoulders.

Thank you very much. It is a great honor to be serving with you. I promise you I will do everything I can to serve as an effective and good Senate President Pro Tempore. Thank you.

CERTIFICATE RECEIVED

By direction of the President, the Secretary read a certificate from the Minority (Democratic) Party certifying the name of Senator Ron Klein

as Minority Leader and Senator Lesley "Les" Miller as the Minority Leader Pro Tempore for the 2002-2004 term.

Senator Klein: Thank you very much, Mr. President. I would like to start out by congratulating Senator King, our new Senate President, and Senator Diaz de la Portilla for your privilege as well.

We stand together with all the Senators in this room and vote for you, support you, and look forward to working with you. I think we all realize now that the elections are over, the campaign rhetoric and the slogans are over. It is now time to get down to business.

I know that many of us in this chamber served in the House in the past and came from a different experience over there. Things get done slightly differently in the Senate. As you see, it is already a different process in the beginning, when all Senators vote unanimously for our Senate President. We do not have that same tradition in the House. That is because of the nature of the body, the collegiality. It is what Floridians expect of the Senate. It is what Floridians expect of government in general.

We all recognize that we have some difficult challenges ahead of us. Many of them are the normal kinds of things that we face year-to-year. Some of them have been added by virtue of the amendments, which will make the budget process and a couple of other things a little more challenging this year.

The way we will solve them is by working together, constructively. The Senate Democrats stand ready, willing, and able to work with you, Mr. President, and all the Republicans in meeting these challenges this year. Thank you very much, Mr. President.

NOMINATIONS FOR SECRETARY

The President recognized Senator Clary, who placed in nomination the name of Faye W. Blanton as Secretary of the Senate.

Senator Clary: Each day we assemble here in this chamber, often with little thought of what has occurred in the hours and days prior to our arrival, staff and leadership working to ensure that our microphones work, that the video screen displays the right image, and that the daily calendar reflects the business of the day; without these things all working in concert, we would surely be in a state of chaos.

Fortunately, we have dedicated staff and constitutional officers that work tirelessly to make sure we put forward the image of true statesmen. No one works harder or more conscientiously to this end than our Senate Secretary, Faye Blanton.

As Secretary of the Senate these last six years, Faye has been responsive and accommodating to the needs of this body. Faye is a perfectionist in all that she does and that is demonstrated every day in her performance and in the performance of her staff. So it is with great pleasure that I nominate Faye Wester Blanton for the position of Secretary of the Senate.

But before I conclude, Mr. President, if I may, I see some new faces and new members in our chamber today. I feel it is important that they be given the whole story on our beloved Secretary. For those of you who are new to the Senate, I encourage you to pay close attention to the demeanor of our Secretary. More than one Senator has gotten "the look." Now I personally have never gotten "the look," but it may have something to do with the regular shipments of my famous "bubble bread" sent to the Secretary's office. As many Senators can attest, you don't want to get "the look" and if you do, and she puts her hand on her hip, you are approaching the point of no return. Believe me, you don't want to get two hands on the hips. As you would expect from a mother with five children, most of the time, a look is all it takes. Faye has become a true friend. We discovered we might even be cousins in these last six years as we've compared notes on who we know in Northwest Florida. So before I get "the look," I'm going to go ahead and sit down. Thank you, Mr. President, for this time.

The President recognized Senator Peaden who seconded the nomination of Faye Blanton as Secretary of the Senate.

Senator Peaden: Mr. President, I rise to second the nomination of Faye Blanton as the Secretary of the Senate. As Senator Clary just said, Faye and her staff work loyally and tirelessly for the entire Senate.

I would like to introduce the members of Faye's family who are here today and seated in the gallery: her husband, Ed; her daughter, Laurel McDaniel; and her sons, Wade and Doug McDaniel and Garrett and Travis Blanton.

Mr. President, I second the nomination of Faye Wester Blanton as the Secretary of the Senate for the 2002-2004 term.

On motion by Senator Peaden, nominations for Secretary of the Senate were closed.

By unanimous consent of the membership, Faye W. Blanton was elected Secretary of the Senate for the 2002-2004 term.

OATH OF OFFICE ADMINISTERED

On motion by Senator Lawson that a committee be appointed to escort Secretary Blanton to the bar of the Senate, the President appointed Senators Carlton, Clary, Peaden, Lawson and Miller. Secretary Blanton was escorted to the bar of the Senate where the oath of office was administered by The Honorable Harry Lee Anstead, Chief Justice, Florida Supreme Court.

RECOGNITION OF SERGEANT AT ARMS

The President recognized Donald Severance, Senate Sergeant at Arms, and thanked him for his dedication and commitment to the Florida Senate.

COMMITTEES APPOINTED

On motion by Senator Campbell that a committee be appointed to notify the House of Representatives that the Senate was convened for the purpose of organization, the President appointed Senators Alexander, Argenziano, Bennett, Hill and Klein. The committee was excused.

On motion by Senator Villalobos that a committee be appointed to notify the Governor that the Senate was convened for the purpose of organization, the President appointed Senators Garcia, Geller, Saunders, Smith, Wise and Villalobos. The committee was excused.

COMMITTEES DISCHARGED

The committee appointed to notify the House of Representatives appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

The committee appointed to notify the Governor appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

COMMITTEE RECEIVED

A committee from the House of Representatives composed of Representatives Prieguez, Baxley, Bowen, Gardiner, Haridopolis, Hogan, Negrón, Paul, Ross and Rubio was received and informed the Senate that the House of Representatives was convened for the purpose of organization. The committee then withdrew from the chamber.

ADDRESS BY PRESIDENT KING

Thank you all for this incredible honor. This is indeed one of the proudest moments in my life, not only because of the trust you have placed in me as your President, but because of the complexity of the issues that lie before us.

As I look around this chamber, I see portraits of past Presidents, some of whom I'm proud to call friends. But look closer at these faces, which span more than a hundred years of leadership, and you will quickly understand that they could not, and did not, lead alone.

Just like them, I am here today as a result of the efforts of so many. This day should never be viewed as a Jim King victory, but, rather, as a victory for elected members, staffers, friends and constituents who never abandoned their friendship with me, often sacrificing their own agendas, and who showed, throughout the years, their belief in me and in my objectives.

I congratulate each and every one of you who have sworn an oath today to serve the people of Florida. Let me also thank our families and our spouses for enduring the numerous hardships and sacrifices so that we may have the privilege of serving.

Thank you especially, Linda, for your steadfast support of me and all you've done to make sure this day was possible. We have been together, amazingly, for 25 years. I know I've not made them easy; but, you've never lost faith, nor allowed me to lose focus. "Thank you" doesn't say enough.

Eleven months ago, the Republican Caucus presented me the thrill of a lifetime and elected me to be the party's candidate for Senate President. At the time, I was overjoyed at the prospect of leading this body. As I viewed what I might be able to do for Floridians during my presidency, I kept thinking of a song entitled "I Can Be Your Hero." The realities of this past election and the budget we face today lessens my ability to do so many of the things I had hoped to accomplish. Because of the cards we have been dealt, the next couple of years could be more custodial than visionary. But I see before me an energetic, "do something" chamber that refuses to accept the "do nothing" budget people say we face. We'll do everything in our power to take the lemons we've been given and turn them into lemonade.

As President of this chamber, I am committed to the first and the highest principle of leadership—listening. I pledge to the Governor, who approaches his next four-year term with a significant citizen mandate, my interest in facilitating his agenda. But he must hopefully understand that this is, after all, the Senate. We will always be slow to change and deliberate in our decisions. We are not now, have never been, nor ever will be lemmings. We eagerly look forward to your budget, Governor, and to your blueprint for success.

Almost all of us have served in the House, so we can appreciate the role that body and its leadership plays in this process. Speaker Byrd and I have met many times in the last year, and although our personalities are vastly different, our quest for unity and statesmanship is exactly the same. Our chambers may differ, but we will find ways to negotiate those differences.

The legislative challenges we face are more significant than, dare I say, ANY Florida Senate before us. To succeed, we have to work in a united fashion. Democrats, you'll have to be an integral part of the solution. We may have to give up significant programs and redirect funding dramatically. Republicans, we're going to have to think differently than in the past. An increase in taxes, though certainly not what any of us wants, will have to be considered. Also, in my opinion, we must consider other means of revenue increases, which would include internal efficiencies, crackdowns on fraud, and a focus on new and innovative sources of revenue. Don't misinterpret these statements; I'm not saying we will do these things. I'm simply saying we must keep our minds open to them. We have to think outside of the box!

There are, of course, glaring needs that require our quick intervention. Florida's workers' compensation system is broken—there is no other way to say it. Currently, employers pay some of the highest workers' comp premiums in the nation, while injured workers receive some of the lowest benefits. We must find a balance to meet the needs of both employers and employees while eliminating fraud in the process.

Additionally, we must begin to peel back the vast layers of our medical malpractice crisis. Guided by the Governor's task force, this Senate will decipher the complexities of our current malpractice system. We will consider laws that will result in the restructuring of every player so that our constituents will be able to expect reasonable service at reasonable cost at reasonable risk and with reasonable protection.

The Senate will examine fraud in the personal injury protection (PIP) insurance market and will work diligently to clean this problem up, or if necessary, eliminate it altogether. I will appoint a select task force that will make legislative recommendations along those lines by the start of the session.

As Senators, we also have to find new solutions to the growing problems within our nursing home industry. Our seniors deserve to be treated with dignity and respect, a respect that can only be afforded in a caring environment. More than ever, we must be prepared to meet the growing demands of a state that is growing older faster than any other in the nation. Toward that end, we will consider a new certificate of

nursing known as a Certified Geriatric Nurse. We will do this in hopes of meeting the staffing ratio provisions of current law, and by doing so, perhaps attract the insurance companies we need to provide us liability coverage. I will be appointing a select committee to reevaluate all the problems we face with long-term care and will be asking them to suggest the changes we need to make. I want you all to hear this: we will approach the review of this industry without any predetermined prejudice nor political protectiveness. We will do what's right.

Election night yielded nine new constitutional amendments, which we will have to enact into law. One of the most demanding is the class size amendment, which, while I believe it to be a noble goal, is also the largest unfunded mandate in our state's history. It will require us to make some very tough decisions, but today you swore an oath to accept the responsibility of carrying out the will of the voters, and together we must find a solution. I will say this: before my presidency ends, we will enact reforms to our constitutional amendment process that will prohibit special interest groups from holding our State Constitution, the people's document, hostage. I will not stand idly by watching the "California-fication" of Florida.

To face any one of these issues in a legislative session would be significant. To face all of them—as we do today—can be absolutely overwhelming.

But as daunting as all these challenges are, facing them together gives me comfort. Each of us in the Senate has been elected to a position of great trust. We now play a pivotal role in determining the future for our citizens and our state. I commend your willingness to serve, and I trust your commitment to bold leadership.

You know, at age 63, one becomes contemplative about life. As I look back on mine, it's analogous to a long book of so many chapters; some were good, some not so good. I believe the one we're about to live together can be great. My fervent hope is that when it is all done, when all of the smoke clears, when our voters grade what we have accomplished, we'll finally get to that chapter that reads "and they lived happily ever after."

Thank you for your confidence in me. I will do all that I can to make you proud.

God Bless us all.

ADOPTION OF RULES

On motion by Senator Lee, the Rules, with amendments indicated, as printed and distributed to each Senator were adopted to govern the Senate for the ensuing two years.

On motion by Senator Lee, the Secretary was instructed to make technical changes in the Rules as necessary.

SUMMARY OF CHANGES AND FULL TEXT OF SENATE RULES AS ADOPTED

[SEE PAGE 8]

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

Clarifies that committee staff will do research and prepare summaries of House Returning Messages. Reflects current practice.

Rule 2.1 - Standing Committees; standing subcommittees

Provides the President authorization to create and designate permanent committees and standing subcommittees. Requires notification of Minority Leader and provides for Rule amendment.

Rule 2.9 - Committee meetings; committee meetings after fiftieth (50th) day

Clarifies that committee meetings will be coordinated and scheduled by the Committee on Rules and Calendar, and deletes reference to a subcommittee. This conforms Rules to current practice. Changes the time committees shall meet to 7:00 p.m. from 9:00 p.m.

Rule 2.17 - Quorum of committee

Clarifies that no committee business of any type may be conducted in the absence of a quorum.

Rule 2.19 - Conference committee in deliberation

Clarifies that a conference between the Senate and the House is a meeting of two distinct groups, therefore the Rules of each house apply.

Rule 2.21 - Calling committee to order

Clarifies that no committee business of any type may be conducted in the absence of a quorum.

Rule 2.39 - Amendments; form, notice, manner of consideration

Specifies that for the purpose of this Rule office hours for committees are 8:00 a.m. - 5:00 p.m. Monday through Friday. The purpose of this change is to make clear that filing amendments to meet the two (2) hour amendment filing deadline falls within those office hours. This will assist in getting committee packages to members in a timely fashion. Adds that upon receipt of the committee packets by the Majority and Minority Offices, additional amendments may be filed for up to two (2) hours.

Rule 4.1 - Sessions of the Senate

Conforms the current usage of terms. Provides that the Senate may not meet after 7:00 p.m.

Rule 4.2 - Quorum

Conforms to current usage of terms.

Rule 5.4 - Pairing

Defines clearly the use of the pairing process.

Rule 6.2 - Motions; precedence

Conforms to current usage of terms.

Rule 6.4 - Reconsideration generally

Conforms to current usage of terms.

Rule 7.1 - General form; notice; manner of consideration

Provides that amendments to bills on third (3rd) reading prepared prior to a session of the Senate must be filed no later than 5:00 p.m. the day prior to the day that session was called to order.

Provides that the consideration of technical amendments and amendments filed during a session requires a two-thirds (2/3) vote of Senators present.

Rule 8.11 - Questions of privilege

Conforms to current usage of terms.

Rule 12.7 - Procedures

Provides clarification to the status and term of appointments withdrawn prior to Senate action. The amended Rule would provide that if an appointment is made by the Governor's predecessor and the current Governor withdraws the appointment and upon reflection elects to reappoint that individual, the subsequent reappointment would be treated as an initial appointment. This change clarifies that such reappointment would not be considered the same as the Senate taking no action on the appointment for the purposes of s. 114.05, F.S. In the event that a Governor requests withdrawal and return of an appointment that has been made, the individual whose appointment is withdrawn will be treated as if the Senate failed to take action on the appointment. The person may be reappointed, but will only be entitled to serve in office until the end of the next ensuing regular session of the Legislature unless confirmed by the Senate. This assures the withdrawal process cannot be used to circumvent the Senate's constitutionally based prerogative to confirm appointments.

Rule 13.3 - Committee meetings; schedule, notice

Clarifies that during special sessions committee meetings will be coordinated and scheduled by the Committee on Rules and Calendar and deletes reference to a subcommittee. This conforms Rules to current practice.

Rule 13.6 - Conference committee reports

Clarifies that a conference committee report shall be made available to the membership four (4) hours prior to the time to debate.

Rule 13.8 - Special Order Calendar

Specifies that during a special session the Special Order Calendar need only be published in the Senate Calendar once prior to consideration. Provides for a revised amendment deadline.

Note: All references to Chairman or Chairmen in the Rules will be made gender neutral.

RULES OF THE SENATE**RULE ONE****OFFICERS, SENATORS, EMPLOYEES, AND ETHICS****PART ONE—OFFICERS OF THE SENATE****1.1—Election of the President, President Pro Tempore, President Designate, President Pro Tempore Designate, Minority Leader, and Minority Leader Pro Tempore; designation of Majority 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 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 a regular session the Majority Party may, by caucus called by the President, elect a President Designate and a President Pro Tempore Designate, and their names shall be certified to the Secretary of the Senate. The President may designate a Majority Leader whose name shall be certified to the Secretary of the Senate. The Minority Party may by caucus elect a Minority Leader and a Minority Leader Pro Tempore, and their names shall be certified to the Secretary of the Senate at the organization session. All elected officers are to hold office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur.

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 established by the Senate at the last session. On the appearance of a quorum, the President shall cause the Senate to proceed with the Daily Order of Business. The President 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. If there is a disturbance, the President may order the area cleared.

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

The President shall sign all acts, joint resolutions, resolutions, and memorials. No writ, warrant, subpoena, contract binding the Senate, authorization for payment, or other papers shall issue without the signature of the President. The President may delegate signing authority for the authorization of payments. The President shall approve vouchers. The President shall decide all questions of order, subject to an appeal by any Senator. As necessary, the President is authorized to incur travel and per diem expenses for the next session of the Legislature. 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 in transacting the business of the Senate as authorized. The President shall have responsibility for the property of the Senate and may delegate specific duties or authority pertaining thereto. The President may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the Senate, a committee of the Senate, a Member of the Senate (whether in the legal capacity of Senator or taxpayer), a former Member of the Senate, or an officer or employee of the Senate when such suit is determined by the President to be of significant interest to the Senate and when it is determined by the President that the interests of the Senate would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the President.

1.5—Appointment of committees

(1) The President shall appoint all standing committees, standing subcommittees, select committees, and the Senate members of conference and joint select committees.

(2) Any member removed from a committee without his or her consent shall have the right to appeal such removal to the Committee on Rules and Calendar.

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

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

(2) If for any reason the President is absent and fails to name a Senator, the President Pro Tempore shall assume the duties of the chair.

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

(4) Should the President resign, he or she may, prior to resignation, designate a member of the Majority Party to assume the duties of the chair until a permanent successor is elected.

1.8—Designation of the Secretary of the Senate

(1) The Senate shall designate a Secretary to serve at its pleasure. 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.

(2) The Secretary shall be under the supervision of the President of the Senate, who may assign additional duties to the Secretary. The Secretary shall be the enrolling and engrossing clerk of the Senate and may designate an assistant enrolling and engrossing clerk.

1.9—Secretary's duties at organization session

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. Pending the election of a President or a President Pro Tempore, the Secretary shall 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 keep a correct daily Journal of the proceedings of the Senate, and this Journal shall be numbered serially from the first (1st) day of each session of the Legislature and shall be distributed by the Secretary for the information of the Legislature and the public. The Secretary shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. The Secretary shall not permit any records or papers belonging to the Senate to be removed from the custody of the Secretary other than in the regular course of business and with proper receipt. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.

1.11—Prepares daily calendar

- (1) The Secretary shall prepare a daily calendar that shall set forth:
 - (a) The order of business;
 - (b) The committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute;
 - (c) The status of each bill, i.e., whether on second (2nd) or third (3rd) reading;
 - (d) Notices of committee meetings; and
 - (e) Notices of meetings required pursuant to Rule 1.44.

(2) The Secretary shall distribute the daily calendar for the information of the Legislature and the public.

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, and subpoenas 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 on their tender for introduction, but prior to their receiving a number, he or she 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

(1) The Secretary shall receive all messages from the House of Representatives and shall be responsible for their security. The Secretary 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 ~~committee staff~~ ~~the Senate Legal Research and Drafting Services where they may be held a maximum of two (2) days~~ for research and summary. Special notice of the summaries shall be given to each Senator.

(2) The Secretary shall advise the President when a House amendment to a Senate bill substantially changes or materially alters the bill as passed by the Senate. The President may refer such bill and House amendments to an appropriate committee or committees for hearing and further report to the Senate. Upon such reference by the President, committee or committees of reference shall meet on a date and at a time set by the President and shall make a report as defined in Rule 2.15. Favorable committee reports and accompanying measures shall be placed on the calendar.

PART TWO—SENATORS**1.20—Attendance and voting**

Unless excused for just cause or necessarily prevented, every Senator shall be within the Senate Chamber during its sessions and shall vote on each question. No Senator shall be required or permitted to vote on any question immediately concerning his or her 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 the excused absence shall be noted in the Journal.

1.22—Senate papers left with Secretary

A Senator necessarily absent from a session of the Senate or its committees and having in his or her possession papers relating to the business of the Senate shall leave such papers with the Secretary before leaving the Capitol.

1.23—Members deemed present unless excused

A Senator who answers roll call at the opening of a session or who enters after roll call and announces his or her presence to the Senate

shall thereafter be considered present unless leave of absence is obtained from the President.

1.24—Contested seat

If a seat in the Senate is contested, notice stating 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 the contest shall be determined by majority vote as soon as 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 facilities and expenses that are necessary and expedient to the fulfillment of the duties of the office, the location and sufficiency of which shall be determined by the President.

1.26—Nonlegislative activities

No Senator shall accept appointments to nonlegislative committees, commissions, or task forces without prior approval of the President if travel and per diem expenses are to be taken from Senate funds.

1.27—Transition from office

A Senator who will not be a Senator at the next ensuing regular session of the Legislature shall be entitled to an amicable transition period not to exceed one (1) month in which to close out the affairs of his or her office. The transition period shall begin at the expiration of a Senator's term. A former Senator shall not be entitled to salary during the transition period, but shall receive a pro rata portion of the monthly allowance for office rental and expenses during such period. A former Senator's staff shall be entitled to a pro rata salary during such period, provided said staff performs all transitional duties assigned by the former Senator. A former Senator shall apply for transitional funds provided pursuant to this Rule, the expenditure of which shall be from Senate funds and which shall be considered for a public purpose. In the event of a vacancy in office, and until that vacancy is filled, a transitional period with pro rata salary for staff may be approved by the President to close out the vacant Senate office affairs.

PART THREE—EMPLOYEES OF THE SENATE

1.28—Dismissal of employees; services of spouse

The President shall resolve disputes involving the competency or decorum of a Senate employee, and may terminate the services of an employee. At the President's discretion the matter may be referred to the Committee on Rules and Calendar for its recommendation. The pay of an employee so terminated shall stop on the termination date. A Senator's spouse or immediate relatives may serve in any authorized position, however, they shall not receive compensation for services performed.

1.29—Employees forbidden to lobby

No employee 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 shall be grounds for summary dismissal. This Rule shall not preclude the performance of duties that may be properly delegated to a Senator's legislative assistant.

1.30—Duties and hours

Employees 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, employees shall remain on duty as required. When the Senate is not in session, permanent staff of the Senate shall observe the hours of employment set by the President. Part-time employees and Senators' district staff shall observe hours that are prescribed by their department heads.

1.31—Absence without permission

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

1.32—Political activity

Senate employees shall be regulated concerning their political activity pursuant to section 110.233, *Florida Statutes*.

1.33—Secretary; supervision of employees

All employees 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.

PART FOUR—LEGISLATIVE CONDUCT AND ETHICS

1.35—Legislative conduct

Every Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and, by personal example and admonition to colleagues, shall maintain the integrity and responsibility of his or her office.

1.36—Improper influence

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

1.361—Solicitation of campaign contributions

A Senator shall neither solicit nor accept any campaign contribution during the sixty-day (60) regular legislative session on the Senator's own behalf or on behalf of a political party or on behalf of a candidate for the Senate; however, a Senator may contribute to the Senator's own campaign.

1.37—Conflicting employment

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

1.38—Undue influence

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

1.39—Disclosure and disqualification

A Senator shall disclose any personal, private, or professional interest in a bill that would inure to that Senator's special private gain or the special gain of any principal to whom the Senator 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 or her disqualification.

1.40—Senate employees and conflicts

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

1.41—Advisory opinions

All questions relating to the interpretation and enforcement of these Rules concerning 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 the Senator's consent.

1.42—Violations; hearings, penalties

(1) Any person may file a sworn complaint with the Chairman of the Committee on Rules and Calendar, alleging a violation by a Senator of the Rules regulating conduct and ethics. The complaint shall state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, and shall identify the specific Rule(s) believed by the complainant to have been violated by the Senator. Upon a determination by the chairman that there are sufficient grounds for review, the complaint shall be referred either to the committee or, at the option of the chairman, to a special master, for a hearing. The committee

or special master may adopt rules of procedure for conduct of the proceedings. The committee or special master shall give reasonable notice to the Senator who is alleged to have violated the Rules and shall grant the Senator an opportunity to be heard. A special master's report and recommendation is advisory only and shall be made to the chairman as soon as practicable after the close of the hearing. The committee's report and recommendation shall be made as soon as practicable.

(2) Separately from any prosecutions or penalties otherwise provided by law, a 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, on recommendation of the Committee on Rules and Calendar.

PART FIVE—PUBLIC MEETINGS AND RECORDS

1.43—Open meetings

(1) All meetings at which legislative business is discussed among any two (2) or more Senators shall be open to the public except:

- (a) At the sole discretion of the President of the Senate, after consultation with appropriate law enforcement, public health, emergency management and/or security authorities, those portions of meetings of a select committee, committee, or subcommittee, concerning measures to address security, espionage, sabotage, attack and other acts of terrorism.

This paragraph stands repealed upon sine die of the 2003 Regular Session of the Florida Legislature, unless prior to that date, it is readopted by the Florida Senate.

- (b) Meetings between two (2) Senators to exchange information provided the purpose of the meeting between the two (2) Senators is not to agree upon final action that will be taken at a subsequent meeting. Discussions on the floor while the Senate is in session and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this Rule.

(2) All meetings shall be subject to appropriate order and decorum at the discretion of the person conducting the meeting.

(3) For purposes of this Rule "legislative business" is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee, or Senate Subcommittee.

1.44—Notice required for certain meetings

(1) A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary of the Senate. While the Legislature is not in regular or special session and during the first fifty (50) days of a regular session, the notice shall be filed not later than four (4) hours before the scheduled time of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed not later than two (2) hours before the scheduled time of the meeting:

- (a) Meetings of the President of the Senate (or a Senator designated to represent the President) with the Governor, or with the Speaker of the House of Representatives (or a representative designated to represent the Speaker);
- (b) Meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee;
- (c) Steering meetings of the Chairman of the Committee on Appropriations with the chairmen of the standing subcommittees of the Committee on Appropriations; and
- (d) Meetings called by the President or the President's designee, of a majority of the chairmen of the Senate's standing committees.

(2) Notices of meetings required by Rule 1.44(1) shall be filed by or at the direction of the person(s) at whose call the meeting is convened; shall state the date, time, and place of the meeting; shall contain a brief description of the general subject matter scheduled to be discussed. In the case of a meeting required to be noticed pursuant to this Rule, if the meeting is to take place at or after 10:00 p.m. then the notice must be delivered to the Secretary by 5:00 p.m. Notices of such meetings shall appear in the daily calendar.

(3) In the event the times required for notice under Rule 1.44(1) are not sufficient to permit publication in a daily or interim calendar, the Secretary shall post a copy of each such notice on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. The Secretary of the Senate shall make a diligent effort to give actual notice to the representatives of the press of all noncalendared meeting notices posted.

(4) Political caucuses are exempt from the foregoing notice requirements. Political caucuses shall be open to the public in accordance with Rule 1.43 and noticed in accordance with this Rule when issues then pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee, or a Senate Subcommittee are discussed. Political caucuses held for the sole purpose of designating a President, a President Pro Tempore, a Minority Leader, or a Minority Leader Pro Tempore need not be open or noticed.

1.45—Violations of Rules on open meetings and notice

Intentional violations of Rules 1.43 and 1.44 constitute violations of the Rules regulating legislative ethics and conduct and shall be subject to the procedures and penalties prescribed in Rule 1.42.

1.441—Constitutional requirements concerning open meetings

(1) All legislative committee and subcommittee meetings and joint conference committee meetings shall be open and noticed to the public.

(2) All prearranged gatherings, between more than two (2) members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments shall be reasonably open to the public.

(3) In cases of conflict between this Rule and any other Rule of the Senate the Rule providing greater notice or public access shall prevail.

1.443—Reapportionment information

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information promulgated by, maintained by, or available to, the Committee on Reapportionment for the analysis of legislative and congressional redistricting plans.

1.444—Legislative records; maintenance, control, destruction, disposal, and disposition

(1) Public records, not exempted from public disclosure, may be inspected by any person desiring to do so at reasonable times, under reasonable conditions, and under supervision of the person who has custody of the records, or that person's designee.

(2) The following standing committee, standing subcommittee, and select committee public records, not exempted from disclosure, shall be retained by each staff director until biennially transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division: copies of bills, amendments, vote sheets, staff analyses, and fiscal notes; meeting files including agendas and appearance cards; files relating to assigned projects; final staff reports submitted to subcommittees or committees; final reports submitted by subcommittees or committees; correspondence sent or received; and audio recordings of committee meetings. At the time of transfer, the actual correspondence to be sent to the Department of State shall consist only of correspondence which relates to other committee public records required by this Rule to be transferred. Records not transferred may be otherwise disposed of or destroyed.

(3) Except for records specifically required by law or Senate Rule to be filed or retained, district office records and constituents' records may be retained by the district office until those records become obsolete, at which point they may be otherwise disposed of or destroyed.

(4) Public records, not exempted from public disclosure, created or received by the President, President Pro Tempore, or Secretary of the Senate shall be retained by that officer as specifically required by law or Senate Rule until transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division. Records not transferred may be otherwise disposed of or destroyed.

(5) The Secretary shall, with the approval of the President, establish a reasonable fee for copies of public legislative records not exempted from public disclosure. Such fees shall be based upon the actual cost of duplication of the record and shall include the material and supplies used to duplicate the record but not the labor cost or overhead cost associated with such duplication. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by employees of the Senate, a special service charge in addition to the actual cost of duplication may be imposed. Such special service charge shall be reasonable and based on the cost incurred for the extensive use of information technology resources or the labor cost of employees providing the service that is actually incurred by the Senate or attributable to the Senate for the clerical and supervisory assistance required. However, when obtained from the Office of the Secretary, a standing committee, standing subcommittee, or select committee, there shall be no charge for a single copy of a bill other than a general appropriations bill, or for a single copy of any other public record required by law or Senate Rule to be created.

(6) Once the retention period for a public record, not exempted from public disclosure, has expired, the public record may be otherwise disposed of or destroyed. A public record need not be retained if it is published or retained by another legislative office. Only one (1) copy of a public record need be retained, additional copies of that record may be destroyed at any time. In the case of mass mailings, only one (1) representative copy of the mailing, or an abstract, need be retained.

(7) For the purpose of this Rule, a member's district office shall include the offices each member retains for the transaction of official legislative business in his or her respective district and the offices located in the Senate Office Building or the Capitol in Tallahassee assigned to each member.

(8) The following public records are exempt from inspection and copying:

- (a) Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, *Florida Statutes*, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), *Florida Statutes*, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.
- (b) A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.
- (c) A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.
- (d) A draft of a bill analysis or fiscal note until the bill analysis or fiscal note is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.
- (e) A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.
- (f) Records prepared for or used in executive sessions of the Senate until ten (10) years after the date on which the executive session was held.
- (g) Portions of records of former legislative investigating committees whose records are sealed or confidential as of June 30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained

in the committees' records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.

- (h) Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.
- (i) Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

(9) Any Senate record created prior to July 1, 1993, which was so designated by the President on June 30, 1993, shall remain exempt from inspection and copying after July 1, 1993. Records held by joint committees, commissions or offices of the Legislature, that were jointly determined by the presiding officers of both houses to remain exempt from inspection and copying after July 1, 1993, remain exempt.

(10) For purposes of this Rule, "public record" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the legislative branch.

(11) All records, research, information, remarks, and staff work products, made or received during or in preparation for a closed meeting of a select committee, committee, or subcommittee, shall be confidential and exempt from inspection and copying for a period of 30 days after the closed meeting, at which time they will automatically become legislative public records open to inspection and copying, unless the confidentiality and the prohibition against inspection and copying has, within the 30-day period, been extended by the President of the Senate. Unless the above-listed confidential and exempt items have been earlier released by operation of this Rule, they shall automatically become available for public inspection and copying five years after the date of the closed meeting, unless this confidentiality and exemption is further extended by the President of the Senate for subsequent five-year periods.

RULE TWO

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

PART ONE—COMMITTEES—ORGANIZATION, DUTIES, AND RESPONSIBILITIES

2.1—Standing committees; standing subcommittees

(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. The President shall appoint the membership of the following named standing committees and standing subcommittees, provided that each standing committee shall consist of not fewer than five (5) members.:

The President is authorized to create and designate permanent standing committees and standing subcommittees prior to the 2003 Regular Session. The President shall inform the Minority Leader of said appointments.

On March 4, 2003, said designations shall be placed before the Senate as an amendment to this rule, which may be adopted by a majority vote, notwithstanding the provisions of Rule 11.3.

- (a) ~~Agriculture and Consumer Services~~
- (b) ~~Appropriations~~
 1. ~~Subcommittee on Education~~
 2. ~~Subcommittee on General Government~~
 3. ~~Subcommittee on Health and Human Services~~
 4. ~~Subcommittee on Public Safety and Judiciary~~

- (d) Banking and Insurance
- (e) Children and Families
- (f) Commerce and Economic Opportunities
- (g) Comprehensive Planning, Local and Military Affairs
- (h) Criminal Justice
- (i) Education
- (j) Ethics and Elections
- (k) Finance and Taxation
- (l) Governmental Oversight and Productivity
- (m) Health, Aging and Long-Term Care
- (n) Judiciary
- (o) Natural Resources
- (p) Reapportionment
 - 1. Subcommittee on Congressional Apportionment and Redistricting
 - 2. Subcommittee on Legislative Apportionment and Redistricting
- (q) Regulated Industries
- (r) Rules and Calendar
- (s) Transportation

(2) Each standing committee or the chairman thereof may appoint a select subcommittee to study or investigate a specific matter falling within the jurisdiction of the standing committee or to consider a bill referred to it. The President of the Senate shall be promptly notified of the appointment of select subcommittees, their assignment, the time allowed for the assignment, and shall be notified on completion of the assignment. Select subcommittees shall be regulated by the Senate Rules regulating standing subcommittees, except that select subcommittees shall exist only for the time necessary to complete their assignments and report to their standing committees, and not to exceed thirty (30) days. The advisory reports by select subcommittees whether favorable or unfavorable shall be reviewed by the standing committee and accepted, amended, or rejected by majority vote of those committee members present.

2.2—Powers and responsibilities of committees

(1) Permanent standing committees and standing subcommittees are authorized:

- (a) To maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area;
- (b) To invite public officials, employees, and private individuals to appear before the committees or subcommittees to submit information;
- (c) To request reports from departments performing functions reasonably related to the committees' jurisdictions; and
- (d) To complete the interim projects assigned by the President.

(2) In order to carry out its duties, each standing committee or standing subcommittee has the reasonable right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any public agency in this state.

(3) In order to carry out the committee's duties, the chairman of each standing committee, standing subcommittee, and select committee may request the President to issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by such committee. The President may issue said process at the request of the committee chairman. Any member of a standing committee, standing subcommittee, or select committee may administer all oaths and affirmations, in the manner prescribed by law, to witnesses who appear before such committees to testify in any matter requiring evidence.

2.3—Committee reports

(1) Before a regular session of the Legislature convenes, each standing committee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and file same with the President of the Senate and the Secretary of the Senate.

(2) Before a regular session of the Legislature convenes, each standing subcommittee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and

submit same to the chairman of the standing committee for consideration by such committee.

(3) Within thirty (30) days following sine die adjournment of a regular session, each standing committee shall provide information on the public business assigned to it since the regular session of the preceding year.

2.4—Committee staffing

A committee shall be staffed with personnel, subject to guidelines and criteria authorized by the President. The staff shall be also subject to the pay and classification code of the Senate. The President may authorize joint utilization of personnel with the House of Representatives and may authorize the Senate to share in the cost.

2.5—Committee utilization of federal funds

No committee shall make application for or utilize federal funds, personnel, services, or facilities unless approval is obtained from the Committee on Rules and Calendar.

2.6—Notice of committee meetings

(1) Notice of meetings of standing committees, standing subcommittees, and select committees shall be published in the daily calendar. No committee shall consider any bill during the first fifty (50) days of any regular session until proper notice is published in the calendar for the two (2) legislative days preceding and the day of such committee meeting.

(2) Thereafter, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.9 may be held following an announcement by the chairman of the committee or subcommittee or, in his or her absence, the vice-chairman while the Senate is in session and the posting of a notice on a bulletin board in the public corridor leading to the Senate Chamber for at least four (4) hours in advance of the meeting.

(3) The chairman of a committee or subcommittee, or in his or her absence, the vice-chairman, shall provide the Secretary's office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered.

(4) At least seven (7) days prior to the meeting of a standing committee or standing subcommittee, while the Legislature is not in session, a notice of the meeting, stating the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered, shall be filed with the Secretary of the Senate. The Secretary shall give notice to the membership and the public.

2.7—Bills recommitted

(1) A bill reported by a standing committee without proper notice shall be recommitted to the committee reporting the same on the point of order being made within two (2) days after such report is printed in the Journal. The committee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

(2) A bill reported by a standing subcommittee to its standing committee without proper notice shall be recommitted to the subcommittee reporting same on the point of order made during the standing committee meeting at which the bill was reported by the subcommittee. The subcommittee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

2.8—Notice of meeting; publication

For publication in the daily calendar, notice of standing committee or standing subcommittee meetings shall be delivered to the Secretary's office in writing by 4:30 p.m. on the day preceding its intended publication. If such day is a Friday, delivery shall be by 2:30 p.m. Meeting notices shall appear in the daily calendar.

2.9—Committee meetings; committee meetings after fiftieth (50th) day

(1) Each standing committee and standing subcommittee shall consider the public business assigned to it as expeditiously as possible and

proper. To facilitate this, the President shall group the standing committees and subcommittees to provide each with an opportunity to meet without conflicting with the meetings of other committees.

(2) The Committee on Rules and Calendar ~~or the Special Order Calendar designees provided for in Rule 4.17~~ shall, with approval of the President, provide a schedule of days, hours, and places for the meeting of committees for the regular session and during the interim, and deliver a copy of same to each Senator. However, no committee shall meet before 7:00 a.m. nor meet or continue to meet after 7:00 p.m. ~~9:00 p.m.~~ This scheduling shall not limit the powers of the chairman of a standing committee or subcommittee as provided in these Rules.

(3) Unless approved by the Committee on Rules and Calendar, no committee shall meet after the fiftieth (50th) day of any regular session except the Committee on Rules and Calendar.

2.10—When, where committees meet

Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the Committee on Rules and Calendar and notice of such assignment shall be posted by the Secretary of the Senate on a bulletin board provided for this purpose in the public corridor leading into the Senate Chamber. The committee chairman may arrange with the Committee on Rules and Calendar for evening or other special meetings. No committee except the Committee on Rules and Calendar shall meet while the Senate is in session without the consent of the majority of the Senate present.

2.11—Attendance by sponsor of bill

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Such introducer may discharge this duty by sending another legislator, his or her legislative assistant or committee staff member, or any other representative having written permission to speak for the bill. Unless a majority of the committee members present shall decide otherwise, bills shall be considered when reached on the committee agenda notwithstanding the absence of the sponsor or anyone authorized by these Rules to appear on his or her behalf.

2.12—Order of business

(1) Bills shall be considered in the order appearing in the notice required by these Rules, except that the chairman may, in his or her sole discretion, consider a bill out of its order to accommodate the presence of a Senator or Representative who is the prime introducer thereof.

(2) A bill shall be considered out of its order on the committee agenda on unanimous consent of those committee members present obtained in the following manner: Prior to consideration of the motion, the Senator moving for unanimous consent of those committee members present shall orally give the committee not less than fifteen (15) minutes' notice of the Senator's intention to move and shall specify the number of the bill. On the entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those committee members present shall be given or refused without further debate.

2.13—Open meetings

All committee meetings shall be open to the public, subject always to the powers and authority of the chairman to maintain order and decorum. If any matter is reported on the basis of a poll of the committee, such matters shall be referred to such committee on a point of order made prior to final passage thereof.

2.14—Time for consideration of bills

(1) A bill that has been introduced and referred to committee can be removed only on motion of the sponsor and by a two-thirds (2/3) vote of those Senators present in session. However, any bill that has been in committee fifteen (15) legislative days or more without an extension of time having been granted may be removed from committee on motion of the sponsor. Such motion, when made, shall carry over for a period of five (5) legislative days to give the committee of reference time to meet. Failure of the committee to meet and consider such bill within said time will permit the sponsor of the bill to remove it from committee on a point of order, providing no bill may be thus withdrawn from the Committee on Appropriations during the first thirty (30) days of a regular session.

(2) Except by unanimous consent of those Senators present in session, no bill shall be considered by the Senate after the fiftieth (50th) day of a regular session if the bill or a companion measure has not been first reported favorably by at least one (1) Senate committee.

2.15—Standing committee duties in deliberation

(1) It shall be the duty of standing committees to report all matters referred to them either:

- (a) Favorably,
- (b) Favorably with committee amendment(s),
- (c) Favorably with committee substitute as defined in these Rules, or
- (d) Unfavorably.

The vote of the members of a standing committee or subcommittee on final passage of any measure shall be recorded. Upon the request of any two (2) members of a committee or subcommittee the vote on any other matter, properly before the committee, shall be recorded. After such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except by a two-thirds (2/3) vote of those Senators present in session.

(2) Such reports shall also reflect:

- (a) The time and place of the meeting at which the action was taken, and
- (b) The vote of each member of the committee on the motion to report each bill or resolution.

A bill filed for introduction by a committee shall be accompanied by such report. The Secretary shall enter in the Journal the action of the committee, but shall not include that portion of the report relating to the time and place of the meeting or the vote of each member on the motion to report a measure. Reports of committees shall be preserved pursuant to law.

(3) In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). Proposed substitutes shall be filed with the committee administrative assistant no less than two (2) hours prior to any committee meeting at which a recommendation of the substitute is adopted unless the substitute is merely a combination of the noticed bill(s) and amendments offered in compliance with Rule 2.39. Copies of substitutes shall be furnished to committee members' offices immediately upon filing with the committee administrative assistant, and made reasonably available by the committee administrative assistant before the meeting, upon request, to the members of the committee and to the public. The substitute measure must be accompanied by the original measure (or measures) referred to the committee and returned to the Secretary in the same manner as a favorable report. No other standing committee of reference shall consider the original measure (or measures) but shall direct its attention to the substitute measure. A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from doing so with the substance of the bill (or bills) as originally introduced. When the original measure is reached on the calendar, the substitute shall be read a first (1st) time by title, the original proposition shall be automatically tabled, and the substitute considered in lieu of without motion. The substitute shall carry the identifying number (or numbers) of the original and shall be returned to the Secretary in the same number of copies required for first (1st) introduction of a similar measure. The name of the introducer of the original measure (or measures) shall be shown by the committee administrative assistant on the committee substitute unless the said introducer requests that it be omitted. A committee substitute may be co-sponsored by a Senator whose signature is affixed to the original. A Senate committee may not recommend a Senate committee substitute for a House bill.

(4) All standing committee reports shall be signed by the chairman or, in his or her absence, the vice-chairman and shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the next legislative day except a committee drafting and recommending a committee substitute shall file such committee report no later than 4:30 p.m. of the second (2nd) legislative day. These reports must be accompanied by the original bill. Each report by a committee must set forth the identifying number of the measure; if amendments are proposed by the committee, the words "with amendments" shall follow the

identifying number. Committee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure. All measures reported unfavorably shall be laid on the table.

2.16—Standing subcommittee reports

(1) It shall be the duty of standing subcommittees to report all measures referred to them directly to the full standing committee, which shall promptly certify a copy to the Secretary of the Senate. The standing subcommittee shall report all measures either:

- (a) Favorably,
- (b) Favorably with committee amendment(s),
- (c) Favorably with committee substitute as defined in these Rules, or
- (d) Unfavorably.

(2) Such reports shall also reflect:

- (a) The time and place of the meeting at which the action was taken, and
- (b) The vote of each member of the subcommittee on the motion to report each bill or resolution.

(3) In reporting a bill to the full standing committee, a standing subcommittee may draft a new measure, embracing the same general subject matter, to be returned to the full standing committee with the recommendation that the substitute be considered in lieu of the original measure. The substitute measure must be accompanied by the original measure referred to the standing subcommittee and returned to the full standing committee in the same manner as a favorable report.

(4) All standing subcommittee reports shall be signed by the chairman or, in the chairman's absence, the vice-chairman and shall be made on forms prescribed by the Secretary of the Senate. Each report by a standing subcommittee must set forth the identifying number of the measure; if amendments are proposed by the standing subcommittee, the words "with amendments" shall follow the identifying number. Standing subcommittee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure.

(5) All bills reported unfavorably shall be laid on the table when the standing committee considers the standing subcommittee's report. On motion by any member of the committee, adopted by a two-thirds (2/3) vote of those standing committee members present, the same may be taken from the table. When a bill is thus removed from the table by a standing committee, it shall receive a hearing de novo and witnesses shall be permitted to testify.

(6) When a bill with a favorable report by a standing subcommittee is considered by the standing committee, no additional testimony shall be permitted except by a two-thirds (2/3) vote of those standing committee members present before final action is taken; however, debate by members of the standing committee shall be allowed. This Rule shall also apply to reports on budgetary matters by the standing subcommittees of the Committee on Appropriations for inclusion in the general appropriations bill.

2.17—Quorum of committee

A committee or standing subcommittee is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. *No committee business of any type shall be conducted in the absence of a quorum.* Any bill or resolution reported in violation of this Rule shall be recommitted by the President when it is called to the President's attention by a Senator.

2.18—Prefiled bills

(1) On receipt from the Secretary of each prefiled bill and if the President has not previously designated a standing subcommittee of reference, the chairman of a committee shall either refer to a standing subcommittee, refer to a select committee as otherwise provided in these Rules, or place on the agenda for a meeting of the standing committee. In any event, the chairman shall concurrently notify the Secretary of the Senate of his or her action on forms provided for such report. The chairman of the standing subcommittee, select committee, or of the standing committee thus possessing jurisdiction of a prefiled bill shall, with the concurrence of the President, determine the time and place for the hearing during which such bill is to be considered and notify the Secretary as required by these Rules.

(2) Committees having jurisdiction of prefiled bills shall expedite the business of such committee and shall file reports as soon as practicable after each hearing, except that the Committee on Appropriations shall not be required to file such report of a prefiled bill defined in these Rules.

(3) A prefiled bill introduced solely by a Senator who will not be a Senator at the next regular session of the Legislature shall be reported unfavorably without notice or hearing.

2.19—Conference committee in deliberation

(1) All meetings of Senate conferees with House conferees at which the business of the conference committee is discussed shall be open to the public subject to proper order and decorum. *A meeting of the Senate and House conferees is a meeting of the two groups, therefore, the rules governing each house apply.* Meetings between a majority of the members of a conference committee may be held following a notice being filed with the Secretary of the Senate by or at the direction of the person calling the meeting, at least two (2) hours in advance of the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour in advance of the meeting. The notice shall indicate the names of the conferees and scheduled participants, the date, the time, and the location of the meeting.

(2) Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

(3) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the Committee. Such amendments shall accompany the conference committee report, which shall be attached to the original measure submitted to conference. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House. Conference reports must be approved and signed by a majority of the managers on the part of each House. All final actions taken in conference committee shall be by motion.

(4) Each report shall contain a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(5) When any bill or joint resolution is referred by the President to a conference committee, a notice of the following meetings to discuss matters relating to the conference, stating the names of the conferees and scheduled participants, and the date, time, and place for the meeting, shall be filed with the Secretary of the Senate by or at the direction of the person(s) at whose call the meeting is convened, not less than two (2) hours preceding the time for the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour preceding the time for the meeting:

- (a) Meetings between the President (or a Senator designated to represent the President), the Governor, and the Speaker of the House (or a Representative designated to represent the Speaker);
- (b) Meetings between a majority of the members of any subcommittee of the conference committee;
- (c) Meetings between the President or any Senator(s) designated to represent the President and a conferee from the House of Representatives, or any meeting between a conferee from the Senate with the Speaker of the House of Representatives or any Representative(s) designated to represent the Speaker; and
- (d) Meetings of a majority of the Senate conferees; and when the bill or joint resolution that is the subject of the conference committee deals primarily with the general appropriations act or revenue matters, any meeting of three (3) or more conferees on the part of the Senate.

(6) Notice of meetings, as scheduled, between the chairman of the Senate's conferees with the chairman of the House's conferees, or between respective Senate and House subcommittee chairmen with each other, shall be posted on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. In the case of the appro-

priations conference, said notice shall also be posted on a bulletin board outside the door of the office of the Committee on Appropriations.

(7) All meetings for which notice is required pursuant to this Rule shall be held in the Capitol, the Senate Office Building, the Knott Building, or the House Office Building, but shall not be held in the Chamber of either house while it is in session.

(8) When any bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on the measure as the Senate may determine.

(9) After Senate conferees have been appointed for seven (7) calendar days and have failed to make a report, it is a motion of the highest privilege to move to discharge said conferees and to appoint new conferees, or to instruct said conferees, and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege. Further, during the last six (6) calendar days allowed under the *State Constitution* for any regular session, it shall be a privileged motion to move to discharge, appoint, or instruct Senate conferees after the Senate conferees have been appointed thirty-six (36) hours without having made a report.

PART TWO—COMMITTEES—OFFICERS

2.20—Appointment of Chairman and Vice-Chairman

A chairman and a vice-chairman of each standing committee shall be appointed by the President preceding the regular session held each odd-numbered year and shall continue in office at the pleasure of the President. The President shall also appoint a chairman for each standing subcommittee and select committee authorized by these Rules and may designate a vice-chairman, both of whom shall continue in office at the pleasure of the President.

2.21—Calling committee to order

The chairman or, in the chairman's absence, the vice-chairman, shall call the committee to order at the hour provided by these Rules. On the appearance of a quorum the committee shall proceed with the order of business. Any member of the committee may question the existence of a quorum. *No committee business of any type shall be conducted in the absence of a quorum.*

2.22—Chairman's control

The chairman or vice-chairman shall preserve order and decorum and shall have general control of the committee room. If there is a disturbance or disorderly conduct in the committee room, the chairman or vice-chairman may require participants in the disturbance to clear the room.

2.23—Chairman's authority; appeals

The chairman shall sign all notices, vouchers, subpoenas or reports required or permitted by these Rules. The chairman shall decide all questions of order, subject to an appeal by any Senator, and the appeal shall be certified by the chairman to the Senate for a decision by the President during the daily session of the Senate next following such certification. The ruling shall be entered in the Journal, shall constitute binding precedent on all committees of the Senate, and shall be subject to appeal as any other question. The chairman may, or on the vote of a majority of the committee members present shall, certify a question of parliamentary procedure to the President as contemplated by the Rule without a formal appeal. Such a certified question shall be disposed of by the President as if it had been on appeal. The perfection of an appeal or the certification of a question pursuant to this Rule shall not constitute an automatic stay to further legislative action on the measure under consideration.

2.24—Chairman, Vice-Chairman; vote

The chairman and vice-chairman shall vote on all matters before such committee. The name of the chairman shall be called last.

2.25—Temporary alternate to Chairman

The chairman may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such

meeting. In the chairman's absence and/or omission to make such appointment, the vice-chairman shall act during his or her absence.

2.26—Vice-Chairman's duties

On the death, incapacitation, or resignation of the chairman, the vice-chairman shall perform the duties of the office until the President shall appoint a successor. In the absence of the chairman, the vice-chairman shall act as chairman.

PART THREE—COMMITTEES—MEMBERS

2.27—Members' attendance, voting, proxy

(1) Every member of a committee shall be in attendance during each of its meetings, unless excused or necessarily prevented, and shall vote on each question except that no member of a committee shall be required or permitted to vote on any question immediately concerning that member's private rights as distinct from the public interest.

(2) The chairman may excuse any Senator for just cause from attendance at meetings of his or her committee for any stated period, and this excused absence shall be noted on the committee's records.

(3) Failure to attend two (2) consecutive regular meetings, unless excused from attendance in the Senate on those days as provided in these Rules or by the chairman of the committee, shall constitute automatic withdrawal from the committee.

(4) No member of any committee shall be allowed to vote by proxy. A majority of all the committee members present shall agree by their votes on the disposition of any bill or other matter considered by the committee.

PART FOUR—COMMITTEES—VOTING

2.28—Taking the vote

(1) The chairman shall declare all votes and shall cause same to be entered on the records of the committee, but if any member questions a vote, then by a show of hands by two (2) members the chairman shall count the yeas and nays. When the committee shall be equally divided, the question shall be lost.

- (2) A Senator may request to:
- (a) Change his or her vote, or
 - (b) Vote

before the results of a roll call are announced. After the results have been announced, a Senator with unanimous consent of those committee members present may change his or her vote or vote. If the vote alters the final action of the committee, no change of vote or vote shall be valid until the measure has been recalled to the committee for further consideration. On request of a member prior to consideration of other business, the chairman shall order a verification of a vote.

2.29—Pairing prohibited

No pairing shall be permitted by the committee.

2.30—Casting vote for another

No Senator shall cast a vote for another Senator, nor shall any person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, any Senator who shall vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, any person not a Senator who shall vote in the place of a Senator shall be excluded from the committee for the remainder of the session.

2.31—Explanation of vote

No Senator shall be permitted to defer or explain his or her vote during a roll call, but may submit his or her explanation in writing and file it with the chairman. This explanation shall be kept as part of the committee record and a copy filed with the Secretary of the Senate.

PART FIVE—COMMITTEES—MOTIONS AND PRECEDENCE

2.32—Motions; how made, withdrawn

Every motion may be made orally. On request of the chairman, a Senator shall submit his or her motion in writing. After a motion has

been stated or read by the chairman, it shall be deemed to be in possession of the committee without a second, and shall be disposed of by vote of the committee members present. The mover may withdraw a motion, except a motion to reconsider, at any time before the same has been amended, or before a vote shall have commenced.

2.33—Motions; precedence

(1) When a question is under debate, the chairman shall receive no motion except:

- (a) To rise
- (b) To take a recess
- (c) To reconsider
- (d) To limit debate
- (e) To temporarily postpone
- (f) To postpone to a day certain
- (g) To commit to a select subcommittee
- (h) To amend

which shall have precedence in the descending order given.

(2) The chairman shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) substitute shall be considered and the substitute shall be in the same order of precedence.

2.34—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

2.35—Reconsideration generally

When a question has been decided by a committee, any Senator voting with the prevailing side may move for reconsideration of the question. Also when a question has been decided by voice vote, any member, during the meeting at which the vote was taken, may so move. Such motion may be made pending a motion to rise or if the time of adjournment has arrived. Consideration of a motion to reconsider shall be a special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned. If the committee shall refuse to consider or, upon consideration, shall confirm its first decision, no further motion to reconsider shall be in order except upon unanimous consent of those committee members present. During the last fourteen (14) days of a regular session, a motion to reconsider shall be made and considered during the meeting at which the original vote was taken.

2.36—Reconsideration; vote required

The affirmative votes of a majority of the committee members present shall be required to adopt a motion to reconsider.

2.37—Reconsideration; debate allowed

Debate shall be allowed on a motion to reconsider only when the question is debatable. When debate on a motion to reconsider is in order, no Senator shall speak thereon more than once nor longer than five (5) minutes.

2.38—Reconsideration; collateral matters

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the committee has passed to other business.

PART SIX—COMMITTEES—AMENDMENTS

2.39—Amendments; form, notice, manner of consideration

(1) No amendment to any measure, which amendment was prepared prior to the committee meeting at which it is offered, shall be considered by that committee unless the amendment was filed with the committee administrative assistant at least two (2) hours before the time the meeting was called to order. *Upon the delivery to the Senate Majority and*

Minority Offices of all timely filed amendments for a committee meeting, additional amendments may be filed with the committee administrative assistant for that meeting for two (2) hours. For the purpose of this rule, office hours are Monday through Friday, 8:00 a.m. - 5:00 p.m. Copies of such amendment shall be made reasonably available by the committee administrative assistant before the meeting, upon request, to the members of the committee and to the public. Neither a technical amendment nor an amendment which is prepared by a member of the committee during the committee meeting at which it is offered need be so noticed.

(2) Amendments shall be filed on forms prescribed by the Secretary but shall be considered only after sponsors, who are members of the committee, gain recognition from the chairman to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chairman and has moved its adoption. Amendments that have been filed but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

2.40—Sequence of amendments to amendments

(1) An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

- (a) Amendments to the amendment are acted on before the substitute is taken up.
- (b) Amendments to the substitute are next voted on.
- (c) The substitute then is voted on.

(2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

2.41—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

2.42—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill or resolution is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The chairman, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the whole bill shall be open for amendment.

2.43—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill.

2.44—Amendments by another committee

Amendments recommended by all committees of reference shall accompany a bill when filed with the Secretary. No committee shall physically remove an amendment by another committee but may recommend an amendment to an amendment, or a substitute for an amendment, by another committee. Amendments adopted by a committee to be incorporated in a committee substitute need not be filed.

PART SEVEN—COMMITTEES—DECORUM AND DEBATE

2.45—Decorum and debate

When a Senator desires to speak or deliver a matter to the committee, the Senator shall address himself or herself to "Mr. or Madam Chairman" and, on being recognized, may address the committee and shall confine himself or herself to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the surname of the Senator referred to or addressed.

2.46—Chairman's power to recognize

When two (2) or more Senators speak at once, the chairman shall name the Senator who is to be first recognized.

2.47—Interruptions; when allowed

(1) No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by:

- (a) Rising to a question of privilege;
- (b) Rising to a point of order requiring an immediate ruling;
- (c) Rising to appeal a decision of the chairman concerning a point of order (if the appeal is made immediately following the decision);
- (d) Rising to make a parliamentary inquiry requiring an immediate reply; or
- (e) to question the existence of a quorum.

(2) The chairman shall strictly enforce this Rule.

2.48—Speaking rights

(1) When a member is speaking and another member interrupts to request recognition, the chairman may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member is then entitled to resume the floor.

(2) The member making a debatable motion or the primary introducer of a bill, whether or not a member of the committee, shall have five (5) minutes in order to close debate.

2.49—Time for debate

No Senator shall speak longer than ten (10) minutes without yielding the floor, except by consent of a majority of those committee members present.

2.50—Limitation on debate

When a measure is under debate by the committee, a Senator may move to limit debate, and the motion shall be decided without debate. The introducer of the measure shall have five (5) minutes to discuss the motion, and the introducer may divide such time with, or waive it in favor of, some other member. If the question is decided in the affirmative by a two-thirds (2/3) vote of those committee members present, the debate shall be limited accordingly. The time allotted by such limitation shall be apportioned by the chairman.

2.51—Priority of business

All questions relating to the priority of business shall be acted on and shall be decided without debate.

2.52—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.

2.53—Appeals

The proper method of taking exception to a ruling of the chairman is by appeal. An appeal from a decision of the chairman must be made promptly 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; if the determination of the appeal is dependent on this point, it may be decided by the chairman. This second (2nd) decision is also subject to appeal.

2.54—Appeals debatable

An appeal from a decision of the chairman on a point of order is debatable even though the question from which it arose was not debatable.

RULE THREE**BILLS, RESOLUTIONS, AND MEMORIALS****3.1—Form of bills**

(1) All bills shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*, and the enacting clause, "Be It Enacted by the Legislature of the State of Florida." The title of each bill

shall be prefaced by the words, "A bill to be entitled An act." Standard rules of capitalization shall apply.

(2) The original must be backed in a folder-jacket signed by the sponsor(s). On these jackets shall be inscribed the name and district number of the introducer and any co-introducers or the introducing committee and its chairman, enough of the title for identification.

(3) Bills that propose to amend existing provisions of the *Florida Statutes* (as described in section 11.242, *Florida Statutes*) or the *Laws of Florida* shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the *State Constitution* shall contain the full text of the section to be amended.

(4) In general bills and joint resolutions that propose to create or amend existing provisions of the *Florida Statutes*, *Laws of Florida*, or the *State Constitution*, new words shall be inserted underlined, and words to be deleted shall be lined through with hyphens, except that the text of the General Appropriations Act shall not be underlined.

(5) When the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it shall not be necessary to use the coded indicators of words added or deleted but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the text of the provision being amended: "Substantial rewording of section. See s. [number], F.S., for present text." When such notation is used, the notation as well as the substantially reworded text shall be underlined.

(6) The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and shall not be considered to constitute a part of the bill under consideration.

(7) Section catchlines of existing text shall not be typed with underlining.

3.2—Bills for introduction

A bill may not be introduced until properly filed with the Secretary of the Senate.

3.3—Form of local bills

As required by Article III, Section 10 of the *State Constitution*, all local bills must either embody provision for ratifying referenda (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement. Forms of affidavit may be obtained from the Secretary of the Senate. All local bills that require publication shall, when introduced, have proof of publication securely attached to the original copy of the bill and the words "Proof of Publication Attached" clearly typed or stamped on the Senate side of the bill jacket or cover, or the same shall be rejected by the Secretary.

3.4—Form of joint resolutions

All joint resolutions shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida." Each joint resolution shall be prefaced by the words: "A joint resolution."

3.5—Form of memorials

All memorials shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida."

3.6—Form of resolutions; Senate and concurrent

(1) All Senate resolutions and all concurrent resolutions shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. Senate resolutions shall read, "Be It Resolved by the Senate of the State of Florida." Concurrent resolutions shall read, "Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring."

(2) Only the Secretary of the Senate shall prepare copies of Senate resolutions that are to be furnished any person after the resolution's adoption.

3.7—Introduction during session

(1) To facilitate processing and committee referencing, all bills shall be filed for introduction with the Secretary of the Senate no later than 12:00 noon of the first (1st) day of the regular session.

(2) Between regular sessions of the Legislature, bills may be prefiled by delivery to the Secretary of the Senate.

3.8—Prefiled bills

(1) A prefiled bill complying with these Rules shall, in anticipation of the next regular session, be serially numbered in accordance with the permanent system required by these Rules. A bill received by the Secretary within three (3) weeks next preceding the convening of a regular session shall be numbered but otherwise withheld from the operation of this Rule. Such a bill shall be treated as if it had been delivered for introduction on the first (1st) day of the succeeding regular session.

(2) The Secretary shall deliver each such numbered bill to the President for reference to a committee or committees pursuant to these Rules. The Secretary shall promptly forward each referenced bill to the first (1st) or only committee of reference. A copy of each prefiled bill shall be provided each Senator. The Secretary shall mail regularly to each Senator a calendar of all prefiled bills, including the referencing data for each bill, and of all committee hearings, including the bills noticed for hearing by each.

(3) After having been considered by a committee and a report made to the Secretary at least seven (7) days preceding a regular session, each bill shall be introduced and read on the first (1st) day thereof, pursuant to the *State Constitution, Laws of Florida*, and these Rules. The Journal shall reflect the committee reference and the report of the committee. All requirements for the referencing of bills to and the consideration of bills by Senate committees shall be deemed to have been met and discharged if the jurisdictional requirements of this Rule have been complied with as to each of such bills.

(4) If a committee fails to deliver its report of a prefiled bill prior to seven (7) days next preceding the convening of a regular session or, if a prefiled bill has received a reference to more than one (1) committee and fewer than all considered such bill, the committee or committees failing to so report and the committee or committees having failed to discharge their jurisdiction of a bill shall conduct hearings and file reports during the regular session as if such bill had not been prefiled.

(5) Notwithstanding these Rules, a Senator may, during the day of introduction of prefiled bills, but no later than under the Order of Business of "Motions Relating to Committee Reference" on the second (2nd) legislative day on which the Senate meets, move for reference to a different committee or for removal from a committee. This motion may be adopted by a two-thirds (2/3) vote of those Senators present.

3.9—Printed copies of bills

When introduced, bills, not local in application, and joint resolutions (including committee bills and committee substitute bills) shall be printed by the Secretary for the information of the Senate and the public. The absence of a printed copy shall not delay the progress of a measure at any stage of the legislative process. Sufficient copies of the general appropriations bill proposed to be introduced by the Committee on Appropriations shall be made available to the members and, upon request, to the public, at the office of the Secretary of the Senate and at the committee's office, no less than two (2) hours prior to the time the Committee on Appropriations meets to consider the proposed committee bill.

3.10—Identification of bills

Bills and other measures requiring legislative action shall be introduced in the order they are received at the desk of the Secretary. They shall be serially numbered with even numbers as introduced, without differentiation in number as to type. The Secretary shall mark the original copy of each measure to ensure its identification, and each page thereof, as the item introduced in order to prevent unauthorized or improper substitutions. This identification may be made by any device to accomplish the purpose of this Rule. Such device shall be in the custody of the Secretary, and its use by any person not authorized by this Rule is prohibited.

3.11—Companion measures

When a Senate bill is reached on the calendar of the Senate for consideration, either on second (2nd) or third (3rd) reading, and there is also pending on the calendar of the Senate a companion measure already passed by the House, it shall be in order to move that the House companion measure be substituted and considered in lieu of the Senate measure. Such motion may be adopted by a majority vote of those Senators present, provided the House measure is on the same reading; otherwise, the motion shall be to waive the Rules by a two-thirds (2/3) vote of those Senators present and read such House measure. A companion measure shall be substantially the same and identical as to specific intent and purpose as the measure for which it is being substituted. At the moment the Senate passes the House companion measure, the original Senate measure shall be regarded as automatically tabled. Recommendation of a Senate bill shall automatically carry with it any House companion measure then on the calendar.

3.12—Introducers of bills

Bills shall be introduced by a Senator or group of Senators whose signature or signatures are affixed to the original, or by any committee with the name of the committee and the signature of the chairman of the committee affixed to the original. A bill introduced by a committee may be co-sponsored by any Senator whose signature is affixed to the original. The general appropriations bill shall be introduced by the Committee on Appropriations.

3.13—Fiscal notes

(1) Upon being favorably reported by a standing committee, all general bills or joint resolutions affecting revenues, expenditures, or fiscal liabilities of state or local governments shall be accompanied by a fiscal note. Fiscal notes shall reflect the estimated increase or decrease in revenues or expenditures. The estimated economic impact, which calculates the present and future fiscal implications of the bill or joint resolution, must be considered. The fiscal note shall not express opinion relative to the merits of the measure, but may identify technical or mechanical defects.

(2) Fiscal notes on those bills affecting any state retirement system shall be prepared after consultation with an actuary who is a member of the Society of Actuaries and the cooperation of appropriate state agencies for necessary data shall be solicited.

(3) Fiscal notes shall be regarded as memoranda of factual information and shall be made available to members of the Senate.

(4) If a bill or joint resolution is reported favorably by a committee without a fiscal note or economic impact statement, as defined in this Rule, a Senator may at any time raise a point of order, and the President shall order return of the bill or joint resolution to the committee. A fiscal note prepared for a Senate bill or joint resolution shall be presumed as prepared also for its House companion for the purposes of point of order.

RULE FOUR

ORDER OF BUSINESS AND CALENDAR

4.1—Sessions of the Senate

The Senate shall meet pursuant to a schedule adopted by the Committee on Rules and Calendar and approved by the President. This schedule shall set forth hours to convene and *recess adjourn*. The Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 7:00 p.m. 9:00 p.m.

4.2—Quorum

A majority of the Senate shall constitute a quorum, but a smaller number may *recess adjourn* from day to day and compel the attendance of absent members, in such manner and under such penalties as it may prescribe. A Senator at any time may question the existence of a quorum.

4.3—Daily Order of Business

- (1) The Daily Order of Business shall be as follows:
 - (a) Roll Call
 - (b) Prayer

- (c) Reports of Committees
- (d) Motions Relating to Committee Reference
- (e) Messages from the Governor and Other Executive Communications
- (f) Messages from the House of Representatives
- (g) Matters on Reconsideration
- (h) Consideration of Bills on Third (3rd) Reading
- (i) Special Order as determined by the Committee on Rules and Calendar
- (j) Consideration of Bills on Second (2nd) Reading
- (k) Correction and approval of Journal

(2) The Secretary of the Senate shall prepare and distribute, on each legislative day, a calendar corresponding to the Daily Order of Business; and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be omitted from the formal calendar and may be distributed to Senators by the Secretary separately.

(3) Certain messages from the House of Representatives may be withheld from the Daily Order of Business pursuant to Rule 1.18 or on order of the President.

(4) On the first (1st) legislative day of each week the Daily Order of Business shall include, after prayer, the Pledge of Allegiance to the Flag of the United States of America.

(5) First (1st) reading of bills shall be accomplished by publication of the title thereof in the Journal pursuant to Article III, Section 7 of the *State Constitution*.

4.4—Committee of the Whole

By a majority vote of those Senators present, the Senate may resolve itself into a Committee of the Whole and, when thus constituted, may consider any question whether formally introduced in the Senate or not. The Senate may, however, restrict the subject matter to be considered by the Committee of the Whole, or its jurisdiction, by resolving itself into a Committee of the Whole for a specific and limited purpose. The President shall preside and maintain order and decorum. The Rules of the Senate applicable to standing committees shall govern when applicable. The Committee of the Whole may consider and report, by majority vote of those committee members present, on any bill or question not formally introduced in the Senate and any bill on which all standing committees of reference have rendered a favorable report. A bill on which committee action has been taken by the committee or committees of reference or on which an unfavorable committee report has been filed may be considered only by a two-thirds (2/3) vote of those committee members present. Such vote shall also be required to favorably report any such bill to the Senate. A bill thus originating in a Committee of the Whole shall, when introduced as contemplated by the *State Constitution*, receive no further reference to committee. A favorable report by a Committee of the Whole on a bill having theretofore received an unfavorable report by a standing committee of reference shall not have the effect of withdrawing such bill from the table. Consideration by the Senate of such a bill shall be preceded by the adoption of the appropriate motion during a session of the Senate. Bills considered by a Committee of the Whole shall be read once, debated, amended, and acted on as a standing committee function. The body of a bill formally introduced shall not be interlined or defaced, but all amendments denoting the page and line shall be entered on a separate paper by the Secretary of the Committee of the Whole. The same shall be agreed to by the Committee, and the report filed as otherwise provided in these Rules for committee reports. After report, the bill or other matter may be again debated and shall be subject to be again amended by the Senate. The quorum for a Committee of the Whole shall be the same as for the Senate, and when the Committee of the Whole shall rise, the roll shall be called to ascertain the presence of a quorum of the Senate.

4.5—Conference committee report

(1) The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days, and on the completion of the second (2nd) reading the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last five (5) days of a regular session the report shall be read only once. Copies of conference committee reports

shall be available to the membership twelve (12) hours prior to the time such report is scheduled to be taken up on the Senate floor.

(2) The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(3) Except when the Senate is voting on a proposition, reports of committees of conference shall always be in order.

4.6—Reference generally; final days for introduction of bills and resolutions

(1) All bills, including those that are strictly local in nature and those prefiled in accordance with these Rules, shall be referred by the President to appropriate committees or standing subcommittees.

(2) Bills received by the President during a regular session and within three (3) weeks next preceding the convening of a regular session shall be referred within seven (7) days. Upon failure of the President to reference such bills within this limitation, they shall be referred to committees as may be recommended by the sponsor. In the event of extended absence of the President or the President's disability or incapacity, the President Pro Tempore shall assume the duty of referring bills.

(3) If the President has not previously designated a standing subcommittee of reference, the chairman of the standing committee shall promptly determine whether such measure shall initially be considered by the full committee, a standing subcommittee, or a select subcommittee appointed by the chairman. The chairman, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chairman of the standing committee shall promptly report this reference and the time allowed for consideration to the Secretary of the Senate on forms provided for the purpose.

(4) The reference of a bill that appears to be local in nature shall be to the Committee on Rules and Calendar to determine whether such measure is local in nature for reference purposes and whether it responds to the legal requirements of a local bill.

(5) A bill is local in nature for referencing purposes if it does not substantially alter a law of general application throughout the state and it either affects no more than one (1) county or relates to a special district that is located wholly within no more than two (2) counties.

(6) When the Committee on Rules and Calendar, through staff analysis, has determined that the bill is not local in nature for referencing purposes, the committee shall report such determination to the President of the Senate, who shall refer such bill to an appropriate standing committee for hearing. Such report shall be made within fifteen (15) legislative days from date of reference to the Committee on Rules and Calendar. When the Committee on Rules and Calendar, through staff analysis, has determined that a bill is local in nature for referencing purposes and that it responds to the legal requirements of a local bill, the bill shall be reported and referred to the calendar on local bills.

(7) All Senate bills filed for introduction after 12:00 noon on the first (1st) day of the regular session (except for the general appropriations bill, local bills, Senate resolutions, and joint resolutions) shall be referenced, but shall be withheld from the committee or committees of reference until after adjournment sine die of such session.

(8) A motion to waive this Rule shall be referred to the Committee on Rules and Calendar for a hearing and its advisory recommendation as to the existence of an emergency reasonably compelling consideration of a bill notwithstanding this Rule and a recommendation shall be reported back to the Senate. The Secretary shall number them to provide identity and control until a permanent number can be affixed. These bills shall be known as prefiled bills and considered in accordance with these Rules.

4.7—Reference to more than one committee; effect

In case of multiple reference of a bill, it shall be considered by each committee separately in the order in which the multiple reference is made. However, if any committee to which the bill is referred makes an unfavorable report on said bill, that report shall be filed with the Senate

and no further consideration given by other committees except by a two-thirds (2/3) vote of those Senators present. If a committee reports a bill favorably with committee substitute, other committee consideration shall be directed to the substitute and not to the original.

4.8—Reference of bills affecting appropriations, revenue, retirement, or county or municipal spending

All bills authorizing or substantially affecting appropriations shall be reviewed by the Committee on Appropriations or a standing subcommittee of that committee. All bills authorizing or substantially affecting tax revenue shall be reviewed by the Committee on Finance and Taxation. All bills substantially affecting a state-funded or state-administered retirement system shall be reviewed by the Committee on Governmental Oversight and Productivity. All bills which are affected by the provisions of Article VII, Section 18 of the *State Constitution* shall be reviewed by the Committee on Comprehensive Planning, Local and Military Affairs. A bill that is amended to substantially affect appropriations or tax revenue, a state retirement program, or expenditures or revenues as set forth in Article VII, Section 18 of the *State Constitution* shall, before being placed before the Senate for final passage, be reviewed along with all amendments by the Committee on Appropriations or a standing subcommittee of that committee, by the Committee on Finance and Taxation, by the Committee on Governmental Oversight and Productivity, or by the Committee on Comprehensive Planning, Local and Military Affairs, as appropriate for review and recommendation to the Senate, which review during the last ten (10) days of a regular session shall be accomplished within twenty-four (24) hours.

4.9—Reference of resolutions

All resolutions shall be referred by the President to a standing committee, except resolutions on Senate organization, resolutions of condolence and commemoration that are of a statewide nonpolitical significance, or concurrent resolutions recalling a bill from the Governor's office. These may be considered on motion and adopted at time of introduction without reference, except that resolutions of condolence or commemoration that are of a statewide nonpolitical significance, may be shown as introduced, read, and adopted by publication in full in the Journal.

4.10—Reference to different committee or removal

(1) When the President has referred a bill, the Chairman of the Committee on Rules and Calendar may move for reference to a different committee or for removal from any committee after the sponsor of the bill has filed a card with the Rules Chairman signed by the chairman of the affected committee and the Chairman of the Committee on Rules and Calendar. This motion may be adopted by a two-thirds (2/3) vote of those Senators present.

(2) The Chairman of the Committee on Appropriations may move to withdraw a bill from that committee provided the bill has been reported favorably by a standing subcommittee and a card requesting such withdrawal has been filed with the committee by the sponsor and approved by the chairman. This motion may be adopted by a two-thirds (2/3) vote of those Senators present, and shall have the effect of the bill having been reported favorably by the Committee on Appropriations as recommended by the subcommittee.

4.11—Papers of miscellaneous nature

Papers of a miscellaneous nature addressed to the Senate may, at the discretion of the President, be read, noted in the Journal, or filed with an appropriate committee. When there is a demand to read a paper other than one on which the Senate is called to give a final vote and the same is objected to by any Senator, it shall be determined by a majority vote of those Senators present.

4.12—Reading of bills and joint resolutions

Each bill or joint resolution shall receive three (3) separate readings on three (3) separate days previous to a vote on final passage unless decided otherwise by a two-thirds (2/3) vote of those Senators present as provided in Article III, Section 7 of the *State Constitution*.

4.13—Reading of concurrent resolutions and memorials

Each concurrent resolution or memorial shall receive two (2) separate readings on two (2) separate days previous to a voice vote on adoption,

unless decided otherwise by a two-thirds (2/3) vote of those Senators present. If the reading on the second (2nd) day is dispensed with by this waiver, the concurrent resolution or memorial may be read the second (2nd) time by title only.

4.14—Reading of Senate resolutions

On introduction each Senate resolution shall be read by title only and shall be read an additional time in full before the question is put on adoption by voice vote, except that resolutions of condolence or commemoration that are of a statewide nonpolitical significance may be shown as introduced, read, and adopted by publication in full in the Journal.

4.15—Referral or postponement on third (3rd) reading

On the third (3rd) reading of a bill or joint resolution, it shall not be referred or committed (except to the Committee on Appropriations) or amended (except a corrective or title amendment) except by a two-thirds (2/3) vote of those Senators present, nor shall the vote on passage be postponed to a day certain without the consent of a majority of those Senators present.

4.16—Consideration out of regular order

A bill shall be considered out of regular order on the calendar on unanimous consent of those Senators present obtained in the following manner: Prior to the consideration of the motion, the Senator moving for unanimous consent of those Senators present shall orally give the membership not less than fifteen (15) minutes' notice of his or her intention to move and shall specify the number of the bill or joint resolution and its position on the calendar. On entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those Senators present shall be given or refused without further debate.

4.17—Special Order Calendar; Consent Calendar

(1) Commencing on the first (1st) day of a regular session of the Legislature permitted under the *State Constitution* and during any extension directed by the membership of the Legislature as permitted under the *State Constitution*, the Chairman of the Committee on Rules and Calendar, the Vice-Chairman of the Committee on Rules and Calendar, the Majority Leader, the Minority Leader, and two (2) other members of the committee designated by the chairman shall on each day submit a Special Order Calendar determining the priority for consideration of bills. Except for the first (1st) day, each Special Order Calendar shall be for the second (2nd) succeeding legislative day on which the Senate meets, and this calendar may include bills that had been scheduled for Special Order on the previous legislative day. No other bills shall be considered until this Special Order Calendar has been completed by the Senate, except that any bill appearing on this calendar may be stricken by a two-thirds (2/3) vote of those Senators present or any bill appearing on the general calendar of bills on second (2nd) or third (3rd) reading may be added to the end of the Special Order Calendar by the same vote. All bills set as Special Order for consideration at the same hour shall take precedence in the order in which they were given preference.

(2) A two-thirds (2/3) vote of those Senators present shall be required to establish a Special Order except as provided in this Rule. Notice of time and place for the establishment of the Special Order shall be published in the daily calendar; provided, during the last ten (10) days of each regular session notice of time and place may be given by announcement from the floor.

(3) The Committee on Rules and Calendar, with the approval of the President, may submit a Consent Bill Calendar to be held in conjunction with the Special Order Calendar. When such a day is designated, all bills appearing on the Consent Calendar shall be considered in their order of appearance. However, if an objection by any member shall cause such bill to be temporarily postponed, it retains its order on the regular calendar. A Senator may designate only a bill that he or she sponsors or a House bill for the Consent Calendar. A committee chairman may designate a committee bill sponsored by his or her committee. All Consent Calendar bills must have appeared on the printed Senate calendar.

4.18—Calendar of local bills

Local bills shall be disposed of according to the calendar of bills of a local nature and shall be considered only at such time as determined by

the Committee on Rules and Calendar or its designees and approved by the President.

4.19—Order after second (2nd) reading

The order of disposition of a bill that has been read the second (2nd) time shall be its reference to the engrossing clerk to be engrossed after all questions relative to it while on second (2nd) reading have been disposed of, and the same shall be immediately engrossed and placed on the calendar of bills on third (3rd) reading to be considered on some succeeding legislative day. No bill shall be committed to the engrossing clerk or placed on the calendar of bills on third (3rd) reading unless all motions relative to it and placed, by the President, before the Senate have been disposed of. Amendments filed with the Secretary, the adoption of which have not been formally moved, shall not be construed to be pending so as to deter such advancement. A bill shall be available for its third (3rd) reading when it has been read a second (2nd) time on a previous day and no motion left pending. Bills calendared for second (2nd) or third (3rd) reading shall not be considered on such reading until reached on the calendar and appropriately read to the Senate pursuant to order of the President.

4.20—Enrolling

The Secretary of the Senate shall be responsible for the enrolling of all bills. After enrollment, all bills shall be signed by the President and the Secretary and the enrolling report shall be published in the Journal.

4.21—Veto messages

As required by Article III, Section 8 of the *State Constitution*, if the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session. All veto messages shall be referred to the Committee on Rules and Calendar.

4.81—Claim bills

(1) Claim bills are of two (2) types: excess judgment claims filed pursuant to section 768.28(5), *Florida Statutes*, and equitable claims filed without an underlying excess judgment.

(2) All claim bills shall be filed with the Secretary of the Senate on or before August 1 in order to be considered by the Senate during the next regular session, except that members elected to the Senate during a general election may have sixty (60) days from the date of that election to file a claim bill(s). Senators currently serving who are re-elected during a general election are not subject to the immediately preceding provision relating to sixty (60) days. A motion to introduce a claim bill notwithstanding the claim bill filing deadline, shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. A House claim bill which does not have a Senate companion claim bill timely filed under this Rule shall not be considered by the Senate. Any motion to consider a House claim bill which does not have a timely filed Senate companion bill shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. The determination by the Committee on Rules and Calendar shall be reported back to the Senate. Upon a determination by the committee that an emergency does exist, the motion may be considered by the Senate and must be adopted by a two-thirds (2/3) vote of those Senators present.

(3) All claim bills shall be referred by the President to one (1) or more committees for review. If the President determines that a de novo hearing is necessary to determine liability, proximate cause, and damages, a Special Master shall conduct such hearing pursuant to reasonable notice. Discovery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations no later than December 1. The

report shall be signed by the Special Master who shall be available, in person, to explain his or her report to the committees and to the Senate.

(4) On receipt of the Special Master's report and recommendations, if any, the Secretary shall, under the President's initial reference, deliver each claim bill with the report attached, to the committee or committees of reference.

(5) Stipulations entered into by the parties are not binding on the Special Master, the Senate, or its committees.

(6) The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted; except that the hearing and consideration of a claim that is still within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement.

RULE FIVE

VOTING

5.1—Taking the yeas and nays

The President shall declare all votes, but, if five (5) Senators immediately question a vote by a show of hands, the President shall take the vote by yeas and nays or electronic roll call. When taking yeas and nays on any question, the electronic roll call system may be used and shall have the force and effect of a roll call taken as provided in these Rules. Also this system may be used to determine the presence of a quorum. When the Senate is ready to vote on a question requiring roll call and the vote is by electronic roll call, the President shall state: "The Secretary will unlock the machine and Senators prepare to vote." When sufficient time has elapsed for each Senator to vote, the President shall say: "Have all voted?" And, after a short pause, shall state: "The Secretary shall now lock the machine and record the vote." When the vote is completely recorded, the President shall announce the result to the Senate; and the Secretary shall enter in the Journal the result. When the Senate is equally divided, the question shall be lost.

5.2—Change of vote

(1) After the result of the vote has been announced by the President, a Senator with unanimous consent of those Senators present may change his or her vote or vote on the measure except that no such change of vote or vote shall be valid where such vote would alter the final passage of the measure until the measure shall first have been recalled to the Senate for further consideration. Records of such requests shall be available at the Secretary's desk through the session. If no objections are raised before the close of the business that day, requests will be accepted.

(2) The original roll call shall not be altered, but late votes and change of votes shall be recorded under the original roll call in the Journal. On request of a Senator before considering other business, the President shall order a verification of a vote.

5.3—Casting vote for another

No Senator shall cast a vote for another Senator unless the Senator is present in the chamber area and requests the casting of said vote, nor shall a person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, a Senator who shall without such authorization vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, a person not a Senator who shall vote wrongfully in the place of a Senator shall be excluded from the Chamber for the remainder of the session.

5.4—Pairing

(1) Pairing, a type of absentee voting by which a Senator who is excused from attendance agrees with a Senator who would have voted opposite the first Senator, shall be permitted.

(2) The Senator in attendance shall not vote in the electronic roll call.

(3) The pair vote form shall:

- (a) State the bill to which the pair applies,
- (b) Indicate how both Senators would have voted,
- (c) Be filed with the Secretary prior to the vote, and

- (d) ~~Be recorded in the Journal. only on the absence of a Senator excused from attendance and shall specifically state, in writing, the bill or bills to which the pair applies.~~

5.5—Explanation of vote

No Senator shall be permitted to explain his or her vote during a roll call but may submit his or her explanation in writing and file it with the Secretary. This explanation shall be entered in the Journal.

5.6—Election by ballot

In all cases of ballot, a majority of the votes cast shall be necessary to an election. If, however, no one is elected on the first three (3) ballots, the names after the top two (2) in number of votes received on the third (3rd) tally shall be dropped, and the Senate shall ballot on the two (2) names remaining.

RULE SIX

MOTIONS AND PRECEDENCE

6.1—Motions; how made, withdrawn

Every motion may be made orally. On request of the President, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the President, it shall be deemed to be in possession of the Senate and, without a second, shall be disposed of by vote of the Senate. The mover may withdraw a motion, except a motion to reconsider, as hereinafter provided, at any time before the same has been amended or before the vote shall have commenced.

6.2—Motions; precedence

- (1) When a question is under debate, the President shall receive no motion except:
- (a) To ~~recess adjourn~~
 1. Instanter
 2. At a time certain
 - (b) Questions of privilege
 - (c) To take a recess
 - (d) To proceed to the consideration of executive business
 - (e) To reconsider
 - (f) To limit debate
 - (g) To temporarily postpone
 - (h) To postpone to a day certain
 - (i) To commit to the Committee of the Whole
 - (j) To commit to a standing committee
 - (k) To commit to a select committee
 - (l) To amend
 - (m) To postpone indefinitely

which shall have precedence in the descending order given. A motion to discharge Senate conferees and to appoint or instruct said conferees as set forth in Rule 2.19 is a motion of the highest privilege and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege.

(2) The President shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) substitute shall be entertained and the substitute shall be in the same order of precedence.

6.3—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

6.4—Reconsideration generally

(1) When a main question (the vote on passage of a measure, including a vote on a veto message, confirmation of executive appointments, removal or suspension from office) has been decided by the Senate, a Senator voting with the prevailing side may move for reconsideration of

the question on the same or the next legislative day on which the Senate meets.

- (a) If the question has been decided by voice vote, any Senator may so move.
- (b) When a majority of those Senators present vote in the affirmative on any question but the proposition be lost because it is one in which the concurrence of more than a majority of those Senators present is necessary for adoption or passage, any Senator may move for reconsideration.

(2) Such motion may be made pending a motion to adjourn or if it is time to ~~recess adjourn~~.

- (a) Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate when it next meets on a legislative day succeeding that on which the motion was made and, unless considered on said day, shall be considered abandoned. If the Senate shall refuse to reconsider or, on reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except on unanimous consent of those Senators present.
- (b) During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day.

6.5—Reconsideration; vote required

A majority of the affirmative votes of those Senators present shall be required to adopt a motion to reconsider.

6.6—Reconsideration; debate

Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. When the question is debatable no Senator shall speak thereon more than once nor longer than five (5) minutes.

6.7—Reconsideration; collateral matters and procedural motions

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the Senate has passed to other business. Reconsideration of a procedural motion shall be considered on the same day on which it is made.

6.8—Reconsideration; Secretary to hold for period

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. The adoption of any motion to waive the Rules by a two-thirds (2/3) vote of those Senators present and immediately certify any bill or joint resolution to the House shall be construed as releasing the measure from the Secretary's possession for the period of reconsideration and shall, thereafter, preclude reconsideration. During the last five (5) calendar days allowed under the *State Constitution* for a regular session and during any extensions thereof, or during any special session, the bills shall be immediately transmitted to the House. Messages relating to Senate action on House amendments or to conference committee reports shall be transmitted forthwith.

6.9—Motion to indefinitely postpone

The adoption of a motion to indefinitely postpone a measure shall dispose of it for the duration of the legislative session and all extensions thereof. A motion to postpone consideration to a time beyond the last day allowed under the *State Constitution* for the current legislative session shall be construed as a motion to indefinitely postpone. Motions to indefinitely postpone shall not be applicable to collateral matters.

RULE SEVEN

AMENDMENTS

7.1—General form; notice; manner of consideration

(1) No amendment to a bill on the Special Order Calendar or on *third (3rd) reading* prepared prior to the time a session of the Senate has convened shall be considered by the Senate unless the amendment was filed with the Secretary of the Senate no later than 5:00 p.m. the day prior to the day that session was called to order. Copies of such amendments shall be made reasonably available by the Secretary of the Senate

before the session, upon request, to the members and to the public. Neither a technical amendment nor an amendment which is prepared by a member during the session at which it is offered need be so noticed. *The consideration of technical amendments and amendments filed during the session in which they are to be offered, requires a two-thirds (2/3) vote of those Senators present.*

(2) Amendments shall be filed with the Secretary on forms prescribed by the Secretary but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chairman of the committee (or, in the chairman's absence, the vice-chairman or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption. Amendments that have been filed with the Secretary of the Senate but have not been formally moved for adoption shall not be deemed to be pending.

(3) No proposition on a subject different from that under consideration shall be admitted under color of amendment. The following bills are out of order and shall not be admitted or considered under color of amendment to a bill on the calendar and under consideration by the Senate:

- (a) Bills which have received an unfavorable committee report.
- (b) Bills which have been withdrawn from further consideration by the sponsor.
- (c) Bills the substance of which have not been reported favorably by all committees of reference.

Amendments covered by this Rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference.

7.2—Adoption

(1) On second (2nd) reading, amendments may be adopted by a majority vote of those Senators present.

(2) On third (3rd) reading, amendments and amendments to amendments shall be adopted by a two-thirds (2/3) vote of those Senators present. Amendments to the title or corrective amendments may be decided, without debate, by a majority vote of those Senators present on third (3rd) reading.

7.3—Sequence of amendments to amendments

(1) An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

- (a) Amendments to the amendment are acted on before the substitute is taken up. Only one (1) amendment to the amendment is in order.
- (b) Amendments to the substitute are next voted on.
- (c) The substitute then is voted on.

(2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

7.4—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

7.5—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The President, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the entire bill shall be open for amendment.

7.6—Printing in Journal

All amendments taken up by the Senate unless withdrawn shall be printed in the Journal except that an amendment to the general appropriations bill constituting an entirely new bill shall not be printed until the filing of the conference committee report. All item amendments to the general appropriations bill shall be printed.

7.7—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill. If a House bill is amended, the same shall be noted by the Secretary on the jacket before it is reported to the House.

7.8—House amendments to Senate bills

(1) After the reading of a House amendment to a Senate bill, the Senate may:

- (a) Amend the House amendment,
- (b) Concur in the House amendment,
- (c) Refuse to concur in the House amendment and ask the House to recede, or
- (d) Request a conference committee.

(2) The adoption of all the foregoing motions shall be by majority vote of those Senators present.

7.9—House refusal to concur in Senate amendment

(1) If the House shall refuse to concur in a Senate amendment to a House bill, the Senate may:

- (a) Recede,
- (b) Insist that the House concur and request a conference committee, or
- (c) Insist that the House concur.

(2) The adoption of any of the foregoing motions shall be by majority vote of those Senators present.

RULE EIGHT

DECORUM AND DEBATE

8.1—Decorum and debate

When a Senator desires to speak or deliver a matter to the Senate, the Senator shall rise at his or her seat and address himself or herself to "Mr. or Madam President," and, on being recognized, may address the Senate from his or her desk or from the well of the Senate, and shall confine any remarks to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the district number of the Senator being addressed, or a Senator may also use such appellation and the surname of the Senator referred to or addressed.

8.2—Presiding officer's power of recognition

When two (2) or more Senators rise at once, the presiding officer shall name the Senator who is first to be recognized.

8.3—Interruptions; when allowed

(1) No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by:

- (a) Rising to a question of privilege;
- (b) Rising to a point of order requiring an immediate ruling;
- (c) Rising to appeal a decision of the presiding officer concerning a point of order (if the appeal is made immediately following the decision);
- (d) Rising to make a parliamentary inquiry requiring an immediate reply; or
- (e) Rising to question the existence of a quorum.

(2) The presiding officer shall strictly enforce this Rule.

8.4—Senator speaking, rights

(1) When a member is speaking and another member interrupts to request recognition, the presiding officer may permit the person rising

to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member then is entitled to resume the floor.

(2) The Senator making a debatable motion or the primary introducer of a bill shall have five (5) minutes in order to close debate.

8.5—Limit on speaking

No Senator shall speak longer than thirty (30) minutes without yielding the floor, except by consent of a majority of those Senators present.

8.6—Limitation of debate

When a measure is under debate by the Senate, a Senator may move to limit debate, and such motion shall be decided without debate, except the introducer of the measure shall have five (5) minutes to discuss said motion. If, by a two-thirds (2/3) vote of those Senators present, the question is decided in the affirmative, debate shall be limited accordingly.

8.7—Points of order, parliamentary inquiry, definitions

A point of order is the parliamentary device that is used to require a deliberative body to observe its own rules and to follow established parliamentary practice. A parliamentary inquiry is the device for obtaining a predetermination of a rule or a clarification thereof and may be presented in hypothetical form.

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

Taking exception to a ruling of a presiding officer shall be by appeal. An appeal from a decision of the presiding officer must be made promptly 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 (2nd) 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 from which it arose was not debatable.

8.11—Questions of privilege

- (1) Questions of privilege shall be:
 - (a) Those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and
 - (b) The rights, reputation, and conduct of Senators individually, in their representative capacity only.

(2) These shall have precedence over all other questions except motions to *recess* ~~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.

RULE NINE

LOBBYING

9.1—Those required to register

All persons (except those specifically exempted) who seek to encourage the passage, defeat, or modification of legislation in the Senate or before its committees shall, before engaging in such activity, register as prescribed by law and the Joint Rules of the Florida House and Senate.

9.2—Obligations of lobbyist

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he or she openly

declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

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

(3) 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.

9.3—Lobbyists' requirements

A lobbyist shall adhere to the statutory requirements for lobbyists provided by law and the Joint Rules.

9.4—Advisory opinions

(1) 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.

(2) 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 will constitute a violation of these Rules. All opinions shall delete names and be numbered, dated, and published in the Journal of the Senate.

9.5—Compilation of opinions

The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Rules and Calendar.

9.6—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 and on 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.

9.7—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, the Joint Rules, and the *Laws of Florida*, and shall report violations. No committee member 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 the Senate is in session except present members of the Senate, all officers and employees of the Senate in the performance of their duties, and persons charged with messages or papers to the Senate. Also entitled to admission are the Governor or one (1) representative designated by the Governor, the Lieutenant Governor, Cabinet officers, former governors, present and former United States Senators, members or former members of the House of Representatives of the United States and of this State, Justices of the Supreme Court, former State Senators of Florida, and persons by invitation of the President. A special section of the gallery shall be reserved for members of the families of Senators.

10.2—Exception

None of the persons entitled to admission shall be admitted if registered pursuant to Rule Nine (9).

10.3—Admission of press by President

Representatives of the press and of radio and television stations, in performance of their duties, shall be assigned to a press section specifically set aside for them, and shall not be allowed on the Senate floor while the Senate is in session, except with the approval of the President.

10.4—Attire

All male persons on the main floor of the Senate Chamber and in the gallery (with the exception of visitors in that portion of the gallery set aside for the general public) shall wear coats and ties at all times while the Senate is in session.

10.5—Gallery

No food or beverages shall be allowed in the gallery at any time.

RULE ELEVEN**CONSTRUCTION AND WAIVER OF RULES****11.1—Interpretation of Rules**

It shall be the duty of the President, or the presiding officer for the time being, to interpret all Rules. Motions for the previous question and lay on the table shall not be entertained.

11.2—Waiver and suspension of Rules

These Rules shall not be waived or suspended except by a two-thirds (2/3) vote of those Senators present. The motion, when made, shall be decided without debate. A motion to waive a Rule requiring unanimous consent of the Senate shall be construed to be an amendment to these Rules and shall be referred to the Committee on Rules and Calendar except by unanimous consent of those Senators present.

11.3—Changes in Rules

All proposed actions touching the Rules and Order of Business in the Senate shall be first referred to the Committee on Rules and Calendar, which shall report as soon as practicable. Consideration of such a report shall 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 those Senators present.

11.4—Majority action

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

11.5—Uniform construction

When 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 *State Constitution*.

11.6—General

When used in these Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning: the singular always includes the plural. 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 *State Constitution*.

12.2—Executive session; purpose

Pursuant to Article III, Section 4(b) of the *State Constitution*, the Senate may resolve itself into executive session for the sole purpose of considering appointment, removal, or suspension. 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 those Senators present, that specified appointments, removals, or suspensions shall be considered in executive session, such shall be calendared for formal consideration by the Senate.

12.4—Work product confidentiality

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 information on which the bans of secrecy were 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 Rules as to the secrecy of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for unseating the offending Senator.

**PART TWO—APPOINTMENTS, SUSPENSIONS, AND
REMOVALS****12.7—Procedure**

(1) Except as otherwise herein provided, on receipt by the Senate of appointments or suspensions on which action by the Senate is required, the President shall refer each to the Committee on Ethics and Elections, other appropriate committee or to a Special Master appointed by the President. Either one shall make inquiry or investigation and hold hearings, as appropriate, and advise the President and the Senate with a recommendation and the necessity for deliberating the subject in executive session. Reports and findings of the committee 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 may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or the President may refer it to the Committee on Rules and Calendar for its consideration and report. When 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.

(2) Upon receipt of a request by the Governor or other appointing official or authority for the return of the documentation of an appointment, which appointment has not been acted upon by the Senate, the Secretary of the Senate, upon consultation with the President, shall return the appointment documentation and the return shall be noted in the *Journal of the Senate*. The appointee whose appointment was returned continues in office until the end of the next ensuing session of the Legislature or until the Senate confirms a successor, whichever occurs first.

- (a) If the appointment returned was made by the Governor, official or authority's predecessor, the appointee shall not be subject to the provisions of section 114.05(1)(e) or (f), Florida Statutes, during the period of withdrawal.
- (b) If the appointment returned was made by the Governor, official or authority requesting the return, for purposes of section 114.05(1)(e) and (f), Florida Statutes, the returned appointment shall be treated as if the Senate failed to consider the appointment.
- (3)(2)(a) An executive suspension of a public official who is under indictment or who has pending against him or her criminal

charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the Committee on Ethics and Elections, other appropriate committee or Special Master; however, all inquiry or investigation or hearings thereon shall be held in abeyance and the matter shall not be considered by the Senate, the committee or the Special Master until the pending charges have been dismissed, or until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, and the exhaustion of all appellate remedies for any of the above.

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

(4)(3) The Governor and the suspended official shall be given reasonable notice in writing of any hearing or pre-hearing conference before the committee or Special Master.

(5)(4) The suspended official may file with the Secretary of the Senate, no later than ten (10) days prior to the first (1st) pre-hearing conference, or no later than the date set by the committee or Special Master if no pre-hearing conference is held, all written defenses or matters in avoidance of the charges contained in the suspension order.

(6)(5) When it is advisable, the committee or Special Master may request that the Governor file a bill of particulars containing a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after the receipt of such bill of particulars by the suspended officer, that officer shall file with the committee or Special Master a response to the Governor's bill of particulars. Such response shall specifically admit or deny the facts or circumstances set forth in the Governor's bill of particulars, and may further make such representation of fact and circumstances or assert such further defenses as are responsive to the bill of particulars or as may bear on the matter of the suspension.

(7)(6) The committee or Special Master may provide for a pre-hearing conference with counsel for the Governor and the suspended official to narrow the issues involved in the suspension. At such conference, both the Governor and the suspended official shall set forth the names and addresses of all the witnesses they intend to call, the nature of their testimony, and photocopies of all documentary and a description of all physical evidence that will be relied on by the parties at the hearing. Each shall state briefly what each expects to prove by such testimony and evidence.

(8)(7) Subject to the limitations of Rule 12.7(3) ~~12.7(2)~~ the 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. If a suspension order is referred to the committee or Special Master but is held in abeyance in accordance with Rule 12.7(3) ~~12.7(2)~~, the committee or Special Master shall institute action within three (3) months after the termination of pending proceedings as described in Rule 12.7(3) ~~12.7(2)~~. The Senate may act on the recommendations of the committee or Special Master at any time it is in session but shall do so no later than the end of the next regular session of the Legislature.

(9)(8) For the purposes of Article IV, Section 7(b) of the *State Constitution*, the Senate may find that the suspended official has committed a felony notwithstanding that a court may have withheld adjudication of guilt upon which the suspension order is based in whole or in part.

(10)(9) If the Governor files an amended suspension order, the attention of the Senate, the committee, or the Special Master shall be directed at the amended suspension order.

(11)(10) Within sixty (60) days after the Senate has completed final action on the recommendation of the committee or Special Master, any party to the suspension matter may request the return, at that party's expense, of any exhibit, document, or other evidence introduced by that party. After the expiration of sixty (60) days from the date the Senate has completed final action, the committee or Special Master may dispose of such exhibits or other evidence.

12.8—Special Master; appointment

The 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 or she shall prescribe.

12.9—Special Master; floor privilege

With consent of the President, the Special Master may have the privilege of the Senate floor to present and explain the report and answer questions as to the law and facts involved.

12.10—Issuance of subpoenas and process

The committee and the Special Master shall each have the authority to request the issuance of subpoenas, subpoenas duces tecum, and other necessary process 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 to testify on matters pending before the committee or Special Master.

12.11—Rule takes precedence

In any situation where there is a direct conflict between the provisions of Rule Twelve (12) and part V of chapter 112, *Florida Statutes*, the Rule, derived from Article III, Section 4(a) of the *State Constitution*, shall take precedence.

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 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 posting a notice on a bulletin board in the public corridor leading into the Senate Chamber for two (2) hours in advance of the meeting. The notice posted shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered. 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 (3rd) calendar day from the day of reference (the day of reference not being counted as the first (1st) day) unless otherwise ordered by the Senate by majority vote of those Senators present. Any bill on which no committee report is filed may be withdrawn from such committee and calendared on point of order. 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 reports

(1) The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative

days and, on the completion of the second (2nd) reading, the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last two (2) days of a special session the report shall be read only once. *A conference committee report shall be available to the membership four (4) hours prior to the beginning of debate of the report by the Senate.*

(2) The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(3) Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

(4) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House.

(5) When a bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on said measure as the Senate may determine.

(6) After Senate conferees have been appointed for thirty-six (36) hours and have failed to make a report, it is a motion of the highest privilege to move to discharge said Senate conferees and to appoint new conferees, or to instruct said Senate conferees.

13.7—Reconsideration

A motion to reconsider shall be made and considered on the same day.

13.8—Special Order Calendar

The Committee on Rules and Calendar may submit a Special Order Calendar determining the time and priority for consideration of bills.

Such Special Order Calendar shall be for the next legislative day. The amendment deadline for the bills on the Special Order Calendar will be no earlier than two (2) hours after the setting of that Special Order Calendar.

RULE FOURTEEN

SEAL AND INSIGNIA

14.1—Seal and insignia

(1) There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter having in the center thereof a fan of the five flags which have flown over Florida, above a disc containing the words: "In God We Trust" arched above a gavel, quill, and scroll. At the top of the field of flags shall be the word: "Seal." At the bottom shall be the date: "1838." The perimeter of the seal shall contain the words: "Senate" and "State of Florida."

(2) There shall be an official coat of arms for the Senate. The coat of arms shall contain a fan of the five flags that have flown over Florida, above the Great Seal of Florida. At the base of the coat of arms shall be the words: "The Florida Senate."

(3) The Senate Seal, the Senate Coat of Arms, official Senate stationery, calling cards, and facsimiles thereof, may be used only in connection with official Senate business.

COMMUNICATION RECEIVED

This is to notify you that the President Pro Tempore and the Majority Leader are designated as voting members of all standing committees and standing subcommittees; but are not counted in quorum consideration nor held to attendance requirements of the Senate Rules.

James E. "Jim" King, Jr., President

ADJOURNMENT

On motion by Senator Lee, the Senate in Organization Session adjourned sine die at 12:40 p.m.