



# *The Journal* OF THE *House of Representatives*

## ORGANIZATION SESSION

**Tuesday, November 17, 1998**

Journal of the House of Representatives for the Organization Session of the 79th House since Statehood in 1845, convened under the Constitution, begun and held at the Capitol in the City of Tallahassee in the State of Florida on Tuesday, November 17, 1998, being the day fixed by the Constitution for the purpose.

John B. Phelps, the Clerk of the preceding session, delegated the duties of temporary presiding officer to the Honorable Daniel Webster, retiring Speaker and newly elected Senator from District 12. Senator Webster called the House to order at 10:00 a.m.

The following certified list of Members elected to the House of Representatives was received:

### State of Florida

#### Office of Secretary of State

I, Sandra B. Mortham, Secretary of State of the State of Florida, do hereby certify that the following Members of the House of Representatives were elected at the General Election held on the Third day of November, A.D. 1998, as shown by the election returns on file in this office:

HOUSE DISTRICT NUMBER	ELECTED MEMBERS
1	Jeff Miller, Milton
2	Jerry Louis Maygarden, Pensacola
3	DeeDee Ritchie, Pensacola
4	Jerry Melvin, Fort Walton Beach
5	Durell Peaden, Jr., Crestview
6	Allan George Bense, Lynn Haven
7	Bev Kilmer, Quincy
8	Alfred (Al) Lawson, Tallahassee
9	Marjorie Turnbull, Tallahassee
10	Janegale M. Boyd, Monticello
11	Dwight Stansel, Wellborn
12	George Crady, Yulee
13	Stephen R. Wise, Jacksonville
14	Anthony C Tony Hill, Jacksonville
15	Willye F. Dennis, Jacksonville
16	James (Jim) Fuller, Jacksonville
17	James E. "Jim" King, Jacksonville
18	Joe Arnall, Jacksonville Beach
19	John Thrasher, Orange Park
20	Doug Wiles, Saint Augustine
21	Kelley R Smith, Palatka
22	Bob Casey, Gainesville
23	Cynthia Moore Chestnut, Gainesville
24	George J. Albright III, Ocala
25	Stan Bainter, Eustis
26	Pat Patterson, Deland

27	Evelyn Lynn, Ormond Beach
28	Suzanne M. Kosmas, New Smyrna Beach
29	Randy Ball, Titusville
30	Howard E. Futch, Melbourne
31	Harry C. Goode, Jr., Melbourne
32	Bill Posey, Rockledge
33	Tom Feeney, Orlando
34	Bob Starks, Oviedo
35	Bob Brooks, Winter Park
36	Allen Trovillion, Winter Park
37	Lee Constantine, Altamonte Springs
38	Fred Brummer, Apopka
39	Alzo J. Reddick, Orlando
40	Bill Sublette, Orlando
41	Randy Johnson, Orlando
42	Everett Kelly, Tavares
43	Nancy Argenziano, Dunnellon
44	Dave Russell, Brooksville
45	Mike Fasano, New Port Richey
46	Heather Fiorentino, New Port Richey
47	Rob Wallace, Tampa
48	Gus Michael Bilirakis, Palm Harbor
49	Larry Crow, Dunedin
50	John Morroni, Clearwater
51	Leslie Waters, Seminole
52	Frank Farkas, Saint Petersburg
53	Lars A. Hafner, Saint Petersburg
54	Dennis L. Jones, Seminole
55	Rudolph "Rudy" Bradley, Saint Petersburg
56	Sandra L. Murman, Tampa
57	Chris Hart, Tampa
58	Bob Henriquez, Tampa
59	Lesley "Les" Miller, Jr., Tampa
60	Victor Crist, Tampa
61	Carl Littlefield, Dade City
62	Johnnie B. Byrd, Jr., Plant City
63	Adam H. Putnam, Bartow
64	Paula Dockery, Lakeland
65	Lori Edwards, Auburndale
66	J D Alexander, Lake Wales
67	Mark R. Ogles, Bradenton
68	Mark G. Flanagan, Bradenton
69	Shirley A. Brown, Sarasota
70	Nancy C. Detert, Venice
71	David I. Bitner, Port Charlotte

72—Lindsay M. Harrington, Punta Gorda  
 73—Bruce Kyle, Fort Myers  
 74—Greg Gay, Cape Coral  
 75—Carole Green, Fort Myers  
 76—J. Dudley Goodlette, Naples  
 77—Joseph R. Spratt, LaBelle  
 78—O. R. "Rick" Minton, Jr., Fort Pierce  
 79—Irlo "Bud" Bronson, Kissimmee  
 80—Charles W. Sembler II, Vero Beach  
 81—Ken Pruitt, Port Saint Lucie  
 82—Tom Warner, Stuart  
 83—Sharon J. Merchant, Palm Beach Gardens  
 84—Addie L. Greene, Mangonia Park  
 85—Lois J. Frankel, West Palm Beach  
 86—Ed Healey, West Palm Beach  
 87—William "Bill" Andrews, Delray Beach  
 88—Suzanne Jacobs, Delray Beach  
 89—Curt Levine, Boca Raton  
 90—John C. Rayson, Pompano Beach  
 91—Debby P. Sanderson, Fort Lauderdale  
 92—Tracy Stafford, Wilton Manors  
 93—Christopher "Chris" Smith, Fort Lauderdale  
 94—Josephus Eggelletion, Jr., Lauderdale Lakes  
 95—Ronald L. "Ron" Greenstein, Coconut Creek  
 96—Stacy Ritter, Coral Springs  
 97—Debbie Wasserman Schultz, Weston  
 98—Steve Effman, Plantation  
 99—Tim Ryan, Dania  
 100—Eleanor Sobel, Hollywood  
 101—Kenneth A. Gottlieb, Miramar  
 102—Luis E Rojas, Hialeah  
 103—Willie F. Logan, Opa Locka  
 104—Frederica S. Wilson, Miami  
 105—Sally A. Heyman, No. Miami Beach  
 106—Elaine Bloom, Miami Beach  
 107—Gustavo A. Barreiro, Miami Beach  
 108—Beryl Roberts Burke, Miami  
 109—James Bush III, Miami  
 110—Rodolfo "Rudy" Garcia, Jr., Hialeah  
 111—Carlos L. Valdes, Miami  
 112—J. Alex Villalobos, Miami  
 113—Manuel Prieguez, Miami  
 114—Gaston Cantens, Miami  
 115—Alex Diaz de la Portilla, Coral Gables  
 116—Annie Betancourt, Miami  
 117—Carlos A. Lacasa, Miami  
 118—Larcenia J. Bullard, Miami  
 119—John F. Cosgrove, Miami  
 120—Ken Sorensen, Key Largo



GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this 12th day of November, A.D., 1998.

*SANDRA B. MORTHAM*  
 SECRETARY OF STATE

## Prayer

The following prayer was offered by the Reverend Dr. Dwight S. Bayley of Orange Park Presbyterian Church of Orange Park, upon invitation of Rep. Thrasher:

Sovereign God, you have instructed us to offer prayers of intercession for fellow humans who carry special burdens, especially the men and women who lead our country, and especially today, for those who lead our state.

Today I offer a personal prayer for the new Speaker of this House, Representative John Thrasher, a man of many facets. He is compassionate, fair, and concerned for the good of all. He is committed to building a stronger state for our citizens. He is a man of prayer; he

has often turned to you for guidance and direction. May his legacy of leadership inspire us all to seek your will for your people of this state. Uphold the Speaker with your continued blessings.

Favor with good health and sound judgment our Governor and the men and women of this House. Let petty party politics, mutual recriminations, and self-justification yield to courtesy, forbearance, and a paramount concern for the public weal. Let our laws protect the weak and curb the strong, and keep our state as a beacon of liberty and a haven for the persecuted.

Help this august body, we pray, to use with wisdom the enormous resources you have entrusted to their care. Help our leaders do justice and love mercy, that our state's policies be neither heartless nor brainless. As the House addresses issues such as poverty and injustice, of hunger and homelessness, the proliferation of weapons that kill and maim many in our society, the ramifications of a poorly educated populous, we pray that they may speak before the whole world with integrity and be heard with respect.

Let this body be cautious, O God, that what we call multiculturalism not be a cover for our worshipping lesser gods; that what we call self-preservation not be a cover for our neglect of the needy; that what we call welfare not be a cover for rewarded laziness; that what we call building self-esteem not be a cover for our neglect of discipline; that what we call political savvy not be a cover for abused power; that what we call ambition not be a cover for our coveting our neighbor's possessions.

Let this body not pollute the air with pompous profundity, but rather seek earnestly to find freedom of expression for one, for all.

Guide now and bless John Thrasher and his colleagues in this House who have been sent here by the people of Florida, who have been ordained by you to govern this great state. Grant them your wisdom to rule. May their decisions direct all of us to the center of your will.

In thy great name we pray. Amen.

The following Members were recorded present:

Albright	Dennis	Jacobs	Ritchie
Alexander	Detert	Johnson	Ritter
Andrews	Diaz de la Portilla	Jones	Roberts
Argenziano	Dockery	Kelly	Rojas
Arnall	Edwards	Kilmer	Russell
Bainter	Effman	King	Ryan
Ball	Eggelletion	Kyle	Sanderson
Barreiro	Farkas	Lacasa	Sembler
Bense	Fasano	Lawson	Smith, C.
Betancourt	Feeney	Levine	Smith, K.
Bilirakis	Fiorentino	Littlefield	Sobel
Bitner	Flanagan	Logan	Sorensen
Bloom	Frankel	Lynn	Spratt
Boyd	Fuller	Maygarden	Stafford
Bradley	Futch	Melvin	Stansel
Bronson	Garcia	Merchant	Starks
Brooks	Gay	Miller, J.	Sublette
Brown	Goode	Miller, L.	Thrasher
Brummer	Goodlette	Minton	Trovillion
Bullard	Gottlieb	Morrone	Turnbull
Bush	Green, C.	Murman	Valdes
Byrd	Greene, A.	Ogles	Villalobos
Cantens	Greenstein	Patterson	Wallace
Casey	Hafner	Peaden	Warner
Chestnut	Harrington	Posey	Wasserman Schultz
Constantine	Hart	Prieguez	Waters
Cosgrove	Healey	Pruitt	Wiles
Crady	Henriquez	Putnam	Wilson
Crist	Heyman	Rayson	Wise
Crow	Hill	Reddick	

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The Members pledged allegiance to the Flag, led by Ryan and Bradley Daniels; Sarah, Hannah, and Kyle Higginbotham; A. J. and Jarrod Prater; Jackie Smith; and Ashley Jean Jordan. Ryan and Bradley Daniels; Sarah, Hannah, and Kyle Higginbotham; A. J. and Jarrod Prater; and Jackie Smith—grandnieces and grandnephews of Rep. Thrasher—and Ashley Jean Jordan, Rep. Thrasher's granddaughter, held by her mother, Jennifer Jordan, daughter of Rep. Thrasher, served at the invitation of Rep. Thrasher.

## House Physician

The Chair introduced Dr. Joseph C. Von Thron of Cocoa Beach, who served as Doctor of the Day.

## Presentation of Guests

The Chair presented the following former Speakers: the Honorable Mallory E. Horne, the Honorable Ralph D. Turlington, the Honorable Donald L. Tucker, the Honorable Ralph H. Haben, Jr., the Honorable H. Lee Moffitt, the Honorable James Harold Thompson, the Honorable Tom Gustafson, the Honorable Bolley L. "Bo" Johnson, and the Honorable Peter R. Wallace.

The Chair presented the following former Republican Leaders: the Honorable Jim K. Tillman, the Honorable William G. "Bill" James, the Honorable S. Curtis "Curt" Kiser, the Honorable Ronald R. "Ron" Richmond, the Honorable R. Dale Patchett, the Honorable James M. Lombard, and the Honorable Sandra B. Mortham.

The Honorable Daniel Webster, former Speaker of the House, now newly elected Senator from District 12, was present as Chair of the proceedings.

Additionally, the Chair introduced the following guests: Governor-elect Jeb Bush, Lieutenant Governor-elect Frank Brogan, Commissioner of Education-elect C. Thomas "Tom" Gallagher III, United States Congressman Mark A. Foley, United States Congressman Michael Bilirakis, Chairman of the Republican Party of Florida Tom Slade, former Senate President Ander Crenshaw, Secretary of State-elect and former Senator Katherine Harris, Comptroller Robert F. Milligan, and Italia Johnson, Speaker of the House of Assembly of the Bahamian Parliament in Nassau, Bahamas, and cousin of Rep. Wilson.

## Notice of Contest

**Senator Webster (The Chair):** The Clerk has received notice of a contest to the election of District 46. In keeping with the precedent, the Member certified by the Secretary of State will be seated with full rights and privileges of membership. A select committee will then be appointed and promptly convene to hear the substance of the contest.

This procedure will ensure that the citizens of District 46 are properly represented in the House while at the same time giving all parties to the contest an opportunity to be heard.

## Oath of Office Administered

The newly elected Members, in groups of five, proceeded to the well, where the Oath of Office prescribed by the Constitution was administered by Chief Justice Major B. Harding, Florida Supreme Court.

The returning Members, as a group, stood at their desks where the Oath of Office prescribed by the Constitution was administered by Chief Justice Major B. Harding, Florida Supreme Court.

## Election of Speaker

The Chair announced the House would proceed to the election of Officers and, for the purpose of nominations, motions would be seconded. Nominations would now be received for Speaker of the House,

under Article III, Section 2, of the Florida Constitution, for a term of two years beginning today.

Rep. King nominated the Honorable John Thrasher for Speaker.

**Rep. King:** I hope I do better on this speech than I did on my own oath; I blew two lines. You don't know how nervous you get until you come up before this group. Members and honored guests, my mom and dad often told me that they enjoyed my accomplishments much more than they enjoyed their own. That has never made as much sense to me as it does today, because as I stand here I am privileged to see two of my closest friends, Representative Jones and Representative Thrasher, reach goals that make me as proud or prouder than I know they must be.

I first met John Thrasher in 1986, when he was working for the FMA, and I had just gotten elected. I was a new member of the Health Care Committee, and he helped educate me about issues important to the medical community. I relied on his input often. Six years later, he was elected to join this House, and I was envious of how much he knew about a full range of issues and how really good he was at building consensus.

What impressed me so much about John was that becoming a Member of this House was so important to him that he immediately became a leader, both intellectually and politically in our party. His efforts were so persistent that he gained the respect of the entire Chamber, Republicans and Democrats alike, and he did so in record time. Things appear to come so naturally to him that it may seem that John Thrasher was predestined for this job, but I can say to any of you who have spent time with John that nothing about this day has anything at all to do about luck. He has worked long days and longer weeks. He sacrificed time from his family, from his career. He has traveled from the Panhandle to the Keys helping candidates with races and explaining important issues. Future Speakers to come will have very big shoes to fill from those footprints left by John Thrasher.

Of John's many roles, there is none that he takes more pride in than that of a husband, as a father, and as a brand-new grandfather. Jean, thank you for your support of John's efforts. You have, through your own family sacrifices, made it possible for him to become the great leader he is. We are all truly grateful to you and to the time that you gave him to do so.

John Thrasher is an American success story. A much decorated Vietnam War hero, the first college graduate in his family, and, of course, a great FSU Seminole. [laughter] John supported his wife and family while also putting himself through law school, again, at Garnet and Gold U. A well-respected lawyer, he now stands ready to lead this House on a road that will take our state through the next two years and our alma mater gloriously into the 21st century.

What a great example he is to every Floridian. How really fortunate we are to have him with us. We all know John Thrasher deserves to be Speaker of the House because he is intelligent, he's politically savvy, and he's a true visionary. He possesses the unique combination of compassion and political toughness needed to lead this Chamber. As I've watched John make decisions through the years, I've marveled at one additional strength: John Thrasher never waivers. The moral compass that God gave us all points due north for John. He listens, discusses, debates, but in the end does what is right, not just what is expedient. He is a good person; he is precisely what you'd want your son, brother, or husband to be.

Three years ago, when seeking the office of Speaker was my own goal, John worked as diligently as anyone to make me a success. That didn't happen for me, but standing here today, I can truthfully tell you, nominating John for the same job is just as gratifying. So, Mom and Dad, today I understand. Today I am full of pride for the accomplishments of my two truly great soul mates, Dennis and John. And John, I am proud to share this day with you, your family, our colleagues, and our friends, and I will be forever honored to have placed your name into nomination for Speaker of this Florida House of Representatives. Thank you. [applause]

Rep. Feeney seconded the nomination of Rep. John Thrasher for Speaker.

**Rep. Feeney:** Thank you, Mr. Speaker, and by the way, it's great to have you one last day up there. In the midst of chaos, often in the Chambers, you were always up there smiling in good humor—sometimes too much good humor—and I always wondered about why you were laughing, [laughter] until one day I realized you could watch the proceedings of the Florida Senate from your position at the monitor there. [laughter] And we wish you a good time with your new front-row seat down there.

Mr. Governor, Lieutenant Governor, our friends here, you'll have to forgive us, some of those of you in the Democratic Party, because this is a great day for Republicans, as it is the whole state of Florida. We are the first southern state since Grant was President—Custer was making his last stand, and we hadn't invented the telephone yet—to have a Republican Governor, a Republican Senate, and a Republican House in the South. And that means a lot to us, and some of us are a little bit overly enthusiastic. We feel a little bit like mosquitoes in a nudist colony—we don't know where to strike first. [laughter]

But, having said that, the elections process is over, and the next two years is about governing with dignity, with honor, with integrity. And the mission that we have today is to select a leader of the great Florida House to lead us into the next millennium. It is such an honor to tell you about a man of huge honor and huge commitment.

John Thrasher's entire life, from the time as a young man he served in the military—an honored and decorated Vietnam veteran, John served on the school board in Clay County—he served his community. As a school board member he was elected as chairman, and there is no report from John whether he's got more scars from his four years on the school board or four years in the military. But we are grateful that no matter what he has done, he has done well. A great lawyer, as his friend Jim King told you, a successful businessman for close to three decades now, John has been a very widely respected individual here in Tallahassee.

One of the things I like most about my friend John Thrasher is that, like me, he married up in life. Jean Thrasher is going to make a charming and wonderful First Lady of the Florida House; we are so excited for you. And John, of course, is also a hugely successful dad, along with a little assist here or two from Jean, we know. But we are grateful to have Julie, Jennifer, and Jon here today along with the rest of the Thrasher family.

I will tell you that when it comes to what we need to do and do the right thing the next two years, every single Member of this House, regardless of philosophy, which part of the state you come from, which party you belong to—John Thrasher has traveled the state, he recognizes the wonderful diversity, the differences that make us a wonderful state, the greatest in the Union. If you want to be a strong participant, and, as Speaker Webster used to say, a player, you will have every opportunity under my friend John Thrasher. Honor and commitment to his family, to his country, to his community of Clay County, to the Florida House of Representatives, to the people of the state of Florida. John Thrasher, I am so honored to second your nomination today, and it's a great day to be here. Thank you. [applause]

Rep. Sanderson seconded the nomination of Rep. John Thrasher for Speaker.

**Rep. Sanderson:** I was thinking about what I would say about John Thrasher, someone that I've known for many, many years, first as a lobbyist and then as a friend and a colleague. And I was thinking about leadership; and a leader must have vision. Leadership is action, not position, and John knows this well. A leader must have honor, integrity, driving commitment to make this state a better place to live for all of us. He must have knowledge and optimism and the ability to make decisions timely. He must have grace under fire and, above all, a sense of humor. He must not major in minor things. He must focus on making things better and not bigger. He must love this process and revere what

it took to get us where we are today. He must have the skin of an alligator and the heart of a poet.

When it comes to decisions, he made the best decision of his life when he asked Jean to marry him. I found a quote, recently, and it says, "Choose your life's mate carefully; from this one decision will come 90 percent of all your happiness or your misery." He made a wonderful decision, and she will make a perfect First Lady, as Representative Feeney has said, for the Florida House of Representatives, and serve us with grace.

It was because of John Thrasher that I decided not to retire 2½ years ago. I seriously had considered that, but John came to me and said, "Would you support me for Speaker?" and talked about what he wanted to do for the state of Florida and what he wanted to do for the Florida House. And I just could not resist and said "of course"; and I am very glad to be standing here today to be able to say this. It is my personal privilege and honor to second the nomination of John Thrasher, my good friend and trusted colleague. John Thrasher, good luck and God bless you. [applause]

Rep. Valdes seconded the nomination of Rep. John Thrasher for Speaker.

**Rep. Valdes:** Members, I rise today to elect a person whose background, whose knowledge of the process, and who is committed to promote the principles and the ideals that the majority of Floridians demanded through a process, a very democratic process, that we held just a couple of weeks ago. In a few minutes, in essence what we are going to be doing is wrapping a very strong message that we heard from our constituents across the state by electing a person that has the skills and the commitment that are needed in this great state of ours. A person who I've gotten to know well, admire, and respect. A person whose leadership will serve as a catalyst to improve our educational system. A person whose leadership will serve as a driving force to enhance the economic opportunities that a free-market economy affords its citizens. Leadership that will meet the challenges over time while they reach the potential of each and every one of our abilities while putting the best interests of our children, our seniors, and of the man and the woman that get up every morning and goes to work, putting those interests first. John, I know you are prepared to lead; you should know that we are prepared to govern under your leadership. It is a great honor for me to second the nomination of my good friend, your friend, the Honorable John Thrasher, for Speaker. [applause]

Rep. Dennis nominated the Honorable Lesley Miller, Jr., for Speaker.

**Rep. Dennis:** To our Governor-elect and his mate, our former Commissioner of Education, to our former Speaker, and Mr. Speaker, it's good to see you. And I want to thank you for all the kind things you did for me, even though I was on the other side of the aisle, [laughter] and to all of the elected officials so here assembled. I feel honored to have the opportunity to make a nomination of Les Miller as Speaker of the House. When the night is darkest, the stars shine bright. Something happened in this House that made it dark, but out of all darkness comes some light. And so we had a star to shine bright during that dark period, and that star is none other than Les Miller. And when I thought about Les, I said if his name were spelled "let's," we could say, Les, let's go. And I'm going to give him that opportunity by nominating him as Speaker for the other side of the aisle by saying, Les, let's go.

Long before I met Les physically, we had met through organizations because both of us gave of ourselves to the premier civil rights organizations in America: I, for the National Association for the Advancement of Colored People; and he, to the Urban League of America. And so we met through those organizations. Even though Les was involved in activities in his community, he gave of himself as a volunteer to the Urban League, and has traveled this nation representing that organization.

And since this is a two-party system—I mean seriously two-party system, I don't mean a party on Friday night and a party on Saturday night, [laughter] I mean truly two-party system—so if we have a Republican, then we must have a Democrat. And while we do this

symbolically, Les, hopefully, will end up as the Leader of the Democratic Party, and I pledge my allegiance to him to serve along with him.

Les is also a family man. And many of you know what happened last year when his son was shot. That did not deter "Let's go" Miller from continuing the process in his role as a part of the leadership of the Democratic Party. And we are honored today to have two men nominated for leadership. And my plea is that no matter what title we wear, whether it's Republican, Democrat, or Independent, if we have any, we are all citizens of this great nation, the greatest nation in the world. And because we have offered ourselves to help make the laws—and I did say make the laws, and sometimes I have to remind myself I'm a lawmaker; I'm not a lawbreaker [laughter]—that we should feel proud that we would have men of great stature, great stature, to lead this great body. And those of us who are elected, this is a rare occasion to go down into the annals of history. And as I look at all these ex-Speakers, former Speakers, former whatever, whoever, on my right and on my left, I give each one of us honor that we offered ourselves. And once you have offered yourself to serve in a public capacity, you are living in a looking glass all the time, living in glass houses. And people think we are magicians, but we are just humble persons who might have read in the Bible that those who would be great among you, let him be a servant. And so we are servants of the people, and I applaud you for that.

So it is with great honor, with great distinction, and with great elegance that I nominate Les Miller as the Speaker of the House. Thank you very much. [applause]

Rep. Wiles seconded the nomination of Rep. L. Miller for Speaker.

**Rep. Wiles:** After following Representative Dennis, words are sometimes hard to come by, but I will do my best. As I reflect on how each of us or the path each of us came to travel in entering this great hall, several words come to mind: honesty, integrity, compassion, and fairness, to name just a few. Les Miller exemplifies those qualities as an individual, as a husband and father, as a businessman, and as a Member of the Florida House of Representatives. Florida is indeed a great state, and I think we'll all agree a very large and diverse community of 15 million people. A community with many colors, many origins, many beliefs, and many ideas. Accordingly, our House is also very diverse, as we are elected to represent the interests and the ideas and the beliefs of the many that we serve.

Representative Miller has been a strong, a fair, and a compassionate voice for his constituents, and a voice that has been heard for many, many years. As the next Speaker of the House, Representative Miller, I know, will work with and for all Members of the House with the focus on the best interest of those of us in the state of Florida. I'm proud to second the nomination of Representative Les Miller for the Speaker of the Florida House of Representatives. Thank you. [applause]

Rep. Betancourt seconded the nomination of Rep. L. Miller for Speaker.

**Rep. Betancourt:** Members, good morning to all of you. I'm delighted to be here on a morning like this, and as I look around this room I see the richness, I see the diversity, different colors, different sizes, and also different accents. And I'm here to tell you that this Chamber truly mirrors the composition of the people of the state of Florida. And I am here to second the nomination of Representative Les Miller. Florida is a complex and diverse state, and so are we. Florida is also a rich and fragile state in its natural resources, and so are we. Les Miller is a caring and committed individual. He's compassionate, and he exemplifies the values, the Democratic values, that we cherish so much. This morning, Members, we're here to second the nomination of Les Miller, and I'm proud to address this Chamber. Thank you, Members. [applause]

On motion by Rep. Ritchie, seconded by Rep. Greenstein, nominations ceased and Reps. Thrasher and L. Miller were declared nominees for Speaker.

When the votes were cast for Speaker, the result was:

Thrasher—82

Albright	Crady	Jones	Putnam
Alexander	Crist	Kelly	Roberts
Andrews	Crow	Kilmer	Rojas
Argenziano	Detert	King	Russell
Arnall	Diaz de la Portilla	Kyle	Sanderson
Bainter	Dockery	Lacasa	Sembler
Ball	Farkas	Littlefield	Smith, K.
Barreiro	Fasano	Logan	Sorensen
Bense	Feeney	Lynn	Spratt
Bilirakis	Fiorentino	Maygarden	Starks
Bitner	Flanagan	Melvin	Sublette
Bradley	Fuller	Merchant	Thrasher
Bronson	Futch	Miller, J.	Trovillion
Brooks	Garcia	Morrone	Valdes
Brummer	Gay	Murman	Villalobos
Bullard	Goode	Ogles	Wallace
Byrd	Goodlette	Patterson	Warner
Cantens	Green, C.	Peaden	Waters
Casey	Harrington	Posey	Wise
Chestnut	Hart	Prieguez	
Constantine	Johnson	Pruitt	

Miller, L.—38

Betancourt	Eggelletion	Jacobs	Smith, C.
Bloom	Frankel	Lawson	Sobel
Boyd	Gottlieb	Levine	Stafford
Brown	Greene, A.	Miller, L.	Stansel
Bullard	Greenstein	Minton	Turnbull
Bush	Hafner	Rayson	Wasserman Schultz
Cosgrove	Healey	Reddick	Wiles
Dennis	Henriquez	Ritchie	Wilson
Edwards	Heyman	Ritter	
Effman	Hill	Ryan	

#### Explanation of Vote

It was my intent to cast my vote during organizational session on November 17, 1998 for Representative John Thrasher for Speaker of the House.

This letter is written for the record as someone inadvertently pushed my button for the vote of Representative Miller.

*Rep. Larcenia J. Bullard*  
*District 118*

Rep. John Thrasher was declared the duly elected Speaker of the House of Representatives for a term of two years beginning today.

Rep. L. Miller moved to record a unanimous vote for Rep. Thrasher as Speaker.

**Rep. L. Miller:** Thank you, Mr. Speaker, and to all the former Speakers and Leaders, and our Cabinet Officers, and Governor-elect Bush, and Lieutenant Governor-elect Brogan, welcome to the Florida House. It's been a rewarding moment for me this morning to have had the opportunity to be nominated for Speaker. You know, some things in your life that you always wish for—this was not one of them, but it came upon me, and I hope that I took it and went with it with my colleagues in the Democratic Caucus and worked hard for you and did the things that you wanted me to do. And for this opportunity allowing me to do this, I thank you.

But this House must be unified. It has to be unified for the people of this great state. As I traveled this state, just like the Honorable John Thrasher did, we heard people say, "We're tired of the partisan bickering in the Florida House; we're tired of the partisan bickering in the Florida Senate. You must work hard for us, for our beliefs, for our thoughts, for our welfare and the welfare of our children and grandchildren." And I say grandchildren because my daughter is expected to give me another grandchild, probably in a couple of hours, I hope—but, we have to do that.

I hope that Speaker Thrasher will be fair to those of us on the other side of the aisle because we have to work together in the state. This is a large state; we've already talked about the diversity. Regardless of our colors, regardless of our race, regardless of our religious background, regardless if we're from North, South, Central Florida, regardless if we're conservative, moderate, or liberal, we have to work together for the people of this great state. That's what they want us to do, and we have to be unified to do that, Representative Thrasher. And I hope that you are fair to us; I hope that you listen to us; I hope you have an open-door policy for us that I can come visit with you, and Members of the other side of the aisle can come visit with you. And even if we have our differences, we can work together to come on this floor and show the people of this great state that we're here to work for them and the benefit of them.

So with that, Mr. Speaker, I move a unanimous vote for John Thrasher for Speaker of the House. [applause]

Rep. Cosgrove seconded the motion to record a unanimous vote for Rep. Thrasher as Speaker.

**Rep. Cosgrove:** Our congratulations to Representative Thrasher, my personal friend and someone I look forward to working with. The people of Florida have the opportunity for the best of leadership in you. Our respect for you, those of us who are in the back of the room, will be measured by how our ideas are respected by you.

We will have our differences, Mr. Speaker, but not in our common goal to do uncommon good for the 14 million citizens of our state. We can all expect rigorous debate over differences in our vision for Florida's future, but we do not want that to be unnecessarily blurred by partisan shortsightedness. We have a role and we have a responsibility to articulate our differences, but not to obfuscate the process. We have earned our place in participatory democracy by the same constitutional election as every other Member in this Chamber. We will work side by side with your leadership team; just let us, and trust us, and then watch us. We will surely differ, but we will always respect you, Mr. Speaker, and the institution of the Florida House of Representatives.

Today is the beginning of a new era in Florida history. To paraphrase, the world will little note nor long remember what we say here, but the lives of 14 million Floridians and generations to come will be affected by what we do here. This is the people's House, a home for democracy, the heart and soul of the very people who live in our state. With mutual respect and fairness we shall succeed together. Let the work of the people begin. Godspeed, Mr. Speaker, and all Members. I second the motion to make the vote unanimous. [applause]

By unanimous acclamation, John Thrasher was declared Speaker of the House of Representatives.

On motion by Rep. Maygarden, seconded by Rep. Fasano, the Chair appointed Reps. Arnall, Wise, Villalobos, Lynn, Sembler, Fuller, Sublette, Roberts, and Bradley as a committee to escort Speaker Thrasher and his family to the rostrum.

#### Oath of Office Administered

**Chief Justice Major B. Harding:** Mr. Speaker, I hope that it would not be inappropriate for me to express the personal joy and privilege I have in administering the oath to my friend and fellow Duval Countian and Clay Countian. And I just want to remind you that 222 years ago, our forefathers, in the summer of 1776, committed an act of treason and declared their independence. And in that declaration, they said we were endowed with certain inalienable rights: the right to life and liberty and the pursuit of happiness. And as you take this oath, it is my hope that your life will be abundant; that your liberty will be not only of body, but of freedom of mind and spirit as you lead this body; and that your pursuit of happiness will be successful.

Chief Justice Major B. Harding administered the Oath of Office to the Speaker.

#### Presentation of Speaker

Rep. Arnall presented the Honorable John Thrasher, Speaker of the House of Representatives.

**Rep. Arnall:** Members, ladies, and gentlemen, it is my distinct pleasure and honor to introduce to you the Speaker of the House, John E. Thrasher of Clay County. [applause]

As behind every great man there is a great family, and he has a beautiful wife, Jean Thrasher. [applause] His daughter Jennifer Jordan and son-in-law Don Jordan and baby Ashley Jean Jordan. [applause] She is truly the "speaker of the house." And then the remaining daughter and son: Julie Thrasher and Jon Thrasher. [applause] The extended family—if you'll stand; and hold your applause, please—Jean's sister, Pris, and Jack Collins; and the other sister, Betty, and Gordon Holmes. [applause] And, I am sure, a lot of friends from Clay County/Orange Park area—if you will stand up. [applause] Welcome. Welcome to the Florida House.

Senator Webster handed the gavel to Speaker Thrasher, signifying his authority as the new Speaker of the House of Representatives.

#### THE SPEAKER IN THE CHAIR

##### Committee to Escort Senator Daniel Webster to the Senate

On motion by Rep. Posey, seconded by Rep. Ball, the Speaker appointed Reps. Posey, Starks, Trovillion, Cosgrove, and Reddick to escort Senator Daniel Webster to the Senate.

##### Remarks by the Speaker

You know, one of the things—this is not my speech, by the way, but I will tell you—one of the things the Speaker taught me, I asked him about some insights into being the Speaker—and I told this story to Governor-elect Bush, but I will tell it to the rest of you. I asked him, I said, "You know, you hear a lot of controversy and a lot of discussion about who is the most powerful, the Speaker or the President of the Senate." President Crenshaw, I know you have some thoughts on that, but he said to me—Speaker Webster said to me, "There is really nothing definitive to define that, until one day I saw a piece of paper. And that piece of paper was the group of people who are authorized to use the state motor pool. And on that list the second person is the Speaker. Bobby Bowden is number one." [laughter] [applause] So that ended that controversy, and I'm appreciative of the Speaker of giving me that insight.

#### Election of the Speaker pro tempore

The Speaker announced that nominations would now be received for Speaker pro tempore of the House of Representatives for a term of two years beginning today.

Rep. Pruitt nominated the Honorable Dennis L. Jones for Speaker pro tempore.

**Rep. Pruitt:** Mr. Speaker, seeing you in that chair, Sir, serves as a shining example to every little boy and girl in the state of Florida that if you work hard, if you play by the rules, you can achieve anything. Congratulations, Sir. [applause] Any former Speaker will tell you that the most significant appointment that they will make will be that of Speaker pro tempore. There is an aura about this selection that, for some reason, sends out the most profound message about that Speaker's leadership style for the next two years. With that said, Members, all I've got to say is you better get a good grip, the ride is about to begin.

You have again shown why you are in that seat, Mr. Speaker; selecting Dennis Jones as your Speaker pro tempore is a bold move of virtue and of vision. No one is more deserving to sit at your right hand, particularly since Jim King will be sitting everywhere else. [laughter] That's two, boss. [laughter] Dennis Jones has earned this coveted position through hard work, and loyalty, and dedication, and strong conviction for what he believes. So true to those convictions is Dennis that he paid the ultimate sacrifice one time when his

philosophical principles got him sideways with a former Speaker. He had a closet for an office that term. It was so small that he had the Sergeant remove his desk so he could put some chairs in there in order to be able to meet with his constituents. He had a committee that met only once, and to top it off, it had no Senate counterpart. So, new Members, when you get your committee assignments, and when you get your office space, let me just give you a little advice: if you complain about it, you need to talk to Dennis Jones first.

Dennis Jones joined the House of Representatives in 1978. He was one of 31 Republicans. The battles were many in those days and the victories were few, but Dennis never waived. He courageously led our troops into the fray time and time again. And he lived by Charlie Sembler's motto: "If you can't run with the big dogs, stay up on the porch." [laughter]

It is amazing how the battles have taken little toll on Dennis. Many of you remember the pictures of Abraham Lincoln before the Civil War and then right after the Civil War, and how it had taken its toll on him. Well, this photo was taken in 1978 when Dennis first took his office. [displays photograph of Rep. Jones when first elected] [laughter] He still uses it for the *Clerk's Manual*. [laughter]

Dennis Jones' legislative career has many highlights; the best, no doubt, being that of Betsy Collins, his Legislative Assistant for some 15 years. No one is more loyal. Dennis was the motivating factor behind the measure to have children wear seat belts. And last year he passed the measure for a dedicated funding source for beach renourishment. He has received numerous legislative awards for his work on health care and humanitarian issues. And he not only believes in the Republican principles of less government, lower taxes, and more personal freedom, but his voting record strongly reflects those beliefs.

To be a colleague of Dennis Jones is to learn from his years of experience. His wise counsel is never given pompously, but yet humbly and graciously. And in my eight years in the House, I have never heard him speak personally against any Member. And even more so, the greatest lesson that I have learned from Dennis is to never take anything personal in this process, and that's good advice.

To be a friend of Dennis Jones is an ultimate experience in life. He and his sidekick, Jim King, have always shown us that we need to laugh at ourselves, and we need to have fun in the process. And while there is a time to be serious, there is also a time to enjoy this once-in-a-lifetime experience. Dennis has taught me to lighten up and not sweat the small stuff; that 50 years from now, they won't remember who we were or what we did. You will know the moment that Dennis Jones becomes your true friend—his willing ear, his understanding heart, and his helping hand; his friendship is precious.

So precious, too, is his family. They have loyally stood by Dennis while he has served the good people of Pinellas County: his dedicated and loving wife, Susan, a Ph.D. and vice president with NationsBank; his son, Rod, who followed in his father's footsteps and became a chiropractor and now runs the business; and his mother, Virginia, who instilled these solid values into her son. Daughter Jill, although deceased, is with us in spirit today. Yesterday, she would have celebrated her 30th birthday. And just before she died, she left her legacy by giving birth to Jacob, who is with us today. She could have left no greater gift. The strength that Jill possessed is a strength that Dennis shares with us today. He epitomizes what public service, honor, and duty really are all about. Mr. Speaker, it is my esteemed honor and privilege, Sir, to nominate our friend, our soldier, and our brother, Dennis Jones, to be our Speaker pro tempore. [applause]

Rep. Kelly seconded the nomination of Rep. Jones for Speaker pro tempore.

**Rep. Kelly:** Governor-elect Bush and Lieutenant Governor-elect Frank Brogan—I see they left; I was going to make a comment about them. Members and your families, our honored guests, and ladies and gentlemen, I have two minutes to say the good things that I know about Dennis Jones. In the last minute and a half, I will reflect on his impact on this wonderful process, and especially on me. You know, in 1978,

Dennis, when we were elected, the state budget was a mere 6 billion dollars, and the state population was 8½ million, and Jim King was 6 foot tall. [laughter] Needless to say, those two statistics have grown, and so has my figure. [laughter] I looked at our picture of the 1978 class, Dennis, and I wish Ken had left the picture up there, but it's amazing how Elvis Presley affected our hairstyles at that time. I had sideburns down to here, and Dennis had, as you could see from the picture, what I best described as a bouffant. [laughter]

Some of you have just met Dennis, and some of you have been here for varying amounts of time with him, and there are those of us who have been here the full tenure with him. Every Member here, prior to this election, has been made a better legislator because of Dennis Jones. You new Members would be wise to beat a path to the Speaker pro tempore's office to seek his counsel and his guidance, because believe me, you will get no finer. And I want to tell all you Members, as a sidelight, that if you want to get close to John Thrasher, you better get to know little Ashley better. [laughter] I'm a grandfather and I can tell you, that's true. So Mr. Speaker, and Members, it's my great and distinct pleasure to second the nomination of my good friend, Dennis Jones, for Speaker pro tempore. There won't be a finer.

Rep. Bloom nominated the Honorable John F. Cosgrove for Speaker pro tempore.

**Rep. Bloom:** Mr. Speaker, honored Members, and honored guests, it is my great pleasure today to place the name of Representative John Cosgrove in nomination for the position of Speaker pro tempore. Representative Cosgrove, a man of vision, a man of wisdom, and a man of integrity, has truly earned the opportunity to serve this House in this important position of leadership.

In 1992, Representative Cosgrove placed my name in nomination for this post, thus providing me with one of the most exciting and productive two years of my life and linking me in leadership with a great former Speaker of the House, the Honorable Bo Johnson. Therefore, I am particularly delighted today to have this pleasure of presenting the Honorable John Cosgrove to all of you.

I have known Representative Cosgrove since he was a young man in our South Florida community. He was known as a great leader, organizer, and motivator from his days at the University of Florida and has remained actively involved in alumni support of that great institution, but in fact he supports all of Florida's great universities. He also earned a fine reputation as a high-quality lawyer, a dedicated advocate for just causes, and an involved community leader. On the strength of these activities, he was overwhelmingly elected to the Florida House by the people of south Dade County.

Simultaneously, he was demonstrating his devotion to his wonderful family: his beautiful and talented wife, Bernie, and to his three children, Tiffany, Colleen, and Michael. My husband and I have also had the personal joy of traveling with Representative John Cosgrove eight years ago when he visited Israel for the first time. And as he explored that beautiful country, we saw the real John Cosgrove, a man of deep faith in his religion and of strong commitment to his principles. John is also next-door neighbor to Representative Willie Logan and to me, as we each have adjacent apartments. We can attest to the fact that he is very, very hard working; he rises early and returns late each and every day here in Tallahassee. John Cosgrove's career in the Legislature has spanned many years and many important issues. He is known to us as a great and persuasive orator, a hard-working and effective committee member, and a consummate elected official who puts the needs and interests of his constituents and of this House ahead of everything else.

Though John Cosgrove and I come from very different backgrounds, we, like all Members of this great House, approach our lawmaking responsibilities based on our own moral and religious values. Since John Cosgrove's initials are J. C., you may be able to infer that he brings a special devotion to justice and compassion from his background. My faith is based on a somewhat older tradition, and since I just returned on Sunday from Israel, I brought a small symbol of Moses the Lawgiver to add to Representative Cosgrove's collection and traditions. He is a lawmaker *par excellence* and a great descendant of Moses the Lawgiver.

He is a man of true tolerance and openness to all people of all faiths in the hallowed traditions of this House. Therefore, it is a very great honor for me to place in nomination the name of a truly great Floridian, a man I greatly love, admire, and respect, Representative John Cosgrove. [applause]

Rep. Rayson seconded the nomination of Rep. Cosgrove for Speaker pro tempore.

**Rep. Rayson:** Mr. Speaker, Members, honored guests, it is with great pride that I rise to second the nomination for Speaker pro tempore of John Cosgrove. John is a native Floridian; he is a native Dade Countian; he is from an old Florida family. He was first elected in 1981, and he took a little vacation, and he got reelected in 1986 from a different district, showing his ability to be durable and versatile and to be popular with the electorate.

One of the things that I think makes him a great leader is the fact that strong women have had a central role in his life. His grandmother was a legislative aide; his mother was the first woman state officer of the Florida Democratic Party; and he himself has carried that tradition on. He is married to a strong woman and has two lovely, charming daughters.

All of Florida owes John Cosgrove a debt of gratitude for the work he did as Chairman of the Insurance Committee. He is from south Dade County, and he lived through Hurricane Andrew. Now some may question his judgment because he stayed in his house during the hurricane. But he knows what it meant, and he was central in creating the moratorium on the cancellation of policies. And he crafted the Residential Property and Casualty Joint Underwriting Association that has been a boon to Floridians to provide reasonable rates for homeowners that live in the state of Florida.

John Cosgrove can bellow with bellicostic belligerence or he can wax poetic with mellifluous charm. In short, John can talk a dog off a meat truck. [laughter] And it is with great pride, Mr. Speaker, that I nominate John F. Cosgrove for Speaker pro tempore of the House of Representatives. [applause]

On motion by Rep. Boyd, seconded by Rep. Edwards, nominations ceased, and Reps. Jones and Cosgrove were declared nominees for Speaker pro tempore.

When the votes were cast for Speaker pro tempore, the result was:

Jones—82

The Chair	Crady	Jones	Pruitt
Albright	Crist	Kelly	Putnam
Alexander	Crow	Kilmer	Roberts
Andrews	Detert	King	Rojas
Argenziano	Diaz de la Portilla	Kyle	Russell
Arnall	Dockery	Lacasa	Sanderson
Bainter	Farkas	Lawson	Sembler
Ball	Fasano	Littlefield	Smith, K.
Barreiro	Feeny	Logan	Sorensen
Bense	Fiorentino	Lynn	Spratt
Bilirakis	Flanagan	Maygarden	Starks
Bitner	Fuller	Melvin	Sublette
Bradley	Futch	Merchant	Trovillion
Bronson	Garcia	Miller, J.	Valdes
Brooks	Gay	Morrone	Villalobos
Brummer	Goode	Murman	Wallace
Byrd	Goodlette	Ogles	Warner
Cantens	Green, C.	Patterson	Waters
Casey	Harrington	Peaden	Wise
Chestnut	Hart	Posey	
Constantine	Johnson	Prieguez	

Cosgrove—35

Betancourt	Boyd	Bullard	Cosgrove
Bloom	Brown	Bush	Edwards

Effman	Henriquez	Rayson	Stafford
Eggelletion	Heyman	Reddick	Stansel
Frankel	Hill	Ritchie	Turnbull
Gottlieb	Jacobs	Ritter	Wasserman Schultz
Greenstein	Levine	Ryan	Wiles
Hafner	Miller, L.	Smith, C.	Wilson
Healey	Minton	Sobel	

Rep. Dennis L. Jones was declared the duly elected Speaker pro tempore for a term of two years beginning today.

Rep. Cosgrove moved to record a unanimous vote for Rep. Jones as Speaker pro tempore.

**Rep. Cosgrove:** Thank you, Mr. Speaker. In keeping with the tone and the ideas set by our Democratic Leader, Les Miller, and because I have such tremendous personal respect and care for Dennis Jones as an individual, and as a colleague, and as someone who I have worked with and admired for so many years, it would be my personal privilege and honor, and on behalf of all my colleagues and our Democratic leadership here, to move to make that vote unanimous to elect the Honorable Dennis Jones as Speaker pro tempore. [applause]

Rep. Wasserman Schultz seconded the motion to record a unanimous vote for Rep. Jones as Speaker pro tempore.

**Rep. Wasserman Schultz:** Thank you, Mr. Speaker. Having worked with Representative Jones for a number of years, served under him, and enjoyed the privilege, on the Health Care Committee, I proudly second that motion. [applause]

By unanimous acclamation, Rep. Jones was declared Speaker pro tempore of the House of Representatives.

On motion by Rep. Warner, seconded by Rep. Morrone, the Speaker appointed Reps. Rojas, Alexander, Diaz de la Portilla, Ogles, and Melvin as a committee to escort Speaker pro tempore Jones and his family to the rostrum.

The Speaker introduced Susan Jones, wife of Speaker pro tempore Jones, who was present in the Chamber, and the following family members who were seated in the gallery: Virginia Jones, mother; Rod Jones, son; and Jacob Jones, grandson.

#### Oath of Office Administered

Justice Charles T. Wells administered the Oath of Office to the Speaker pro tempore.

#### Presentation of Speaker pro tempore

The Speaker presented the Honorable Dennis L. Jones, Speaker pro tempore.

**Speaker pro tempore Jones:** Mr. Speaker, honored guests, family members, and Members of the Florida House of Representatives, this is a great moment for my family and me. Thank you all very much for your vote and for your confidence in me. Ken, thank you for the kind words and your friendship over the years. I really appreciate it. The "beaches forever" bill would never have become a reality without your support. You are truly one of the good guys.

And Everett, you and I came into this House together, and if term limits hold up, we will go out together. And I'm just glad you finally saw the light and became a Republican. [laughter and applause]

I would like to give a special thank-you to my family. My wife, Susan, knows all too well that this is not just a 60-day legislative session. I know the sacrifices you have made; I know it hasn't always been easy. Thank you for standing by me while I've served.

To my mother, Virginia, who has always given me the confidence that I could achieve any goal through inspiration/perspiration, thank you, Mom.

And my son, Rod, he was 13 when I came up here, and my daughter, Jill, was 10. I missed a good portion of their growing up, but we did have



a lot of good quality of time together. Rod, who has assumed my chiropractic practice, has made me so proud of his many accomplishments. My daughter, Jill, had leukemia when she was pregnant with Jacob, my grandson. During this time, she went through chemo and drug therapy treatments. Jacob is our miracle child. He will be eight in February, and, as you can see, he is perfectly healthy and well and bright. [applause]

I still give thanks and praise to Tampa General Hospital, Moffitt Cancer Center, for their help and support during Jill's ordeal. There was also John Cosgrove, who would give me a prayer in and during the appropriations committee for Jill; Representative Bob and Judy Starks, who visited with Jill in the hospital; Representative Charles Sembler, who gave me the much-needed support, having lost his mother to leukemia; and Representative Carlos Valdes, who didn't miss a day coming by my office to check on Jill. Thanks to all of you for your support to my family during a very difficult time.

Speaker Thrasher first approached me to be Speaker pro tempore when we were in Chicago at the ALEC Convention a little over a year ago. I was truly honored then, and I am still honored now. Thank you, John, for asking me to be on your team. As we speak of teams, I would be very remiss to not mention the fact that your lovely wife, Jean, and your family are a very integral part of the team. I know how important they are to you.

I can't go any further without thanking my sidekick, my colleague, my very dear friend, Representative Jim King. We bonded in 1986, and we fought the good fight since. I remember when we were on the Republican Legislative Campaign Committee together. Not many Members even wanted to serve on it, but we thought it would be a good leadership position. Little did we know we lost one Republican seat that year. The Minority Leader at that time was Representative R. Dale Patchett, and Dale's philosophy was you keep your friends close and your enemies closer. We're still not sure what we were. [laughter]

You're the best, Jim. Besides, you're the incoming Appropriations "Big Daddy," and I need some good funding for Pinellas. [laughter] I want to also thank Betsy Collins, my legislative assistant and confidant for 15 years, and Laura Heisler, my senior executive secretary for almost 12 years. They make me look good. They are the eyes and ears in my district and are part of the reason I escaped opposition a number of years. I also want to thank all of the outstanding staff of this House, and especially those on the committees and the subcommittees that I served on and/or chaired.

I want to congratulate the new incoming freshmen to the Florida House of Representatives. I hope to meet personally with each of you before the first of the year. You will find that this is a very special place, and I hope that your tenure will be as exciting, as rewarding, and as fulfilling as it has been for me. The friendships, the bonds you make, will last a lifetime. In fact, one of my very special friends has joined us today: former Representative Fred Lippman. Thanks, Fred, for taking me under your wing when I was a freshman.

As I look around this very distinguished body of legislators, I see how blessed I am and how grateful I am to the citizens of District 54 for electing me. When I was elected in 1978, we went from 28 Republicans to 31, and from 92 Democrats to 89, and we thought we had a landslide. If you look to the back of the Chamber, and if Representative Greenstein from District 95 would raise his hand—well, that's where I sat the first session. [laughter] Yeah, it's a long way back. That's where I sat the first session, but what a ride it's been. All of you have helped make it possible. At that time, the state's total budget was 7.8 billion dollars; this year's total budget is 45.3 billion dollars. And ladies and gentlemen, that was only 20 years ago. In 1978, the population was 9.6 million; today we have 14.8 million—quite a change.

Back then, we shared an office suite in the basement, affectionately known as the Republican Pits: 8 Members, 8 legislative aides, 1 parrot, 1 person—I still have no idea what he did, who he was, or why he was there—[laughter]—and we called ourselves the majority of the minority. And we even had T-shirts made with that slogan. So anyone that's unhappy with your office assignment, think of the good old days.

As I look around this Chamber, I notice the distinguished portraits, in the back, of the 11 Speakers I have served. They were all great Speakers, and they were right for their time. And as we head into the next millennium, we need to be prepared. We have just laid the groundwork by electing John Thrasher Speaker of the Florida House of Representatives. He will be my 12th Speaker. He comes to this position by hard work, by being a willing listener, by his thoughtful deliberations, and by his vast knowledge of the system. I am so very proud to serve this Speaker. He will set a new agenda for this body and for the next two years, and we will all need to be prepared for change.

I will close by quoting President Bush in his inaugural speech: "Some see leadership as high drama, and the sound of trumpets calling. And sometimes it is that. But I see history as a book with many pages—and each day we fill a page with acts of hopefulness and meaning. The new breeze blows, a page turns, the story unfolds—and so today a chapter begins: a small and stately story of unity, diversity, and generosity—shared, and written, together."

Now we need to get started on writing our own chapter of Florida history. Let's work together to make sure that the ending reads, "They lived happily ever after." Thank you and God bless you. [applause]

## Election of the Clerk

The Speaker announced that nominations would now be received for Clerk of the House of Representatives for a term of two years beginning today.

Rep. Feeney nominated John B. Phelps as Clerk.

**Rep. Feeney:** Thank you very much, Mr. Speaker. Mr. Speaker pro tem, congratulations. You started out in that far back corner; I started out in the very last seat in this back corner. The first time I was asked to come to the well here to make a nomination, Mr. Speaker, it was such a long walk I not only forgot my speech, I forgot who it was I came to nominate. [laughter] In those days it didn't matter a whole lot, because whoever had asked me to nominate them didn't really expect to win anyway. [laughter]

The art and science of a functioning democracy, the great commentator, H. L. Mencken, once said is running the circus from the monkey cage. And folks, especially the new folks, I want to point out our monkey cage right here in the front of the House of Representatives. And you will find as you go through the process that there is often a cacophony out here, chaos—it seems like there are 120 of us going in different directions at warp speed all at the same time. But somehow out of that crazy process comes order and, most of the time, some very, very good public policy. It is only possible to take the chaos of a functioning democracy and turn it into an orderly government if you've got rules and procedures, and you've got a respect for the institution amongst everybody in this Chamber and many of the people that observe this Chamber on the outside.

The Florida House of Representatives, as my friend Peter Wallace used to point out, and others, is known for the most professional staff anywhere in the Union. And nobody is more responsible for that reputation than our Clerk, John Phelps. John has served this institution since 1976. He has served as Clerk of this institution for the last 85 regular and special sessions, including one special session, I remember, that was called for midnight. Some of us threatened to show up in our pajamas, and that concerned me because I don't sleep in pajamas. [laughter] Fortunately, that was ruled out of order; I didn't have to worry about that particular dilemma.

Ladies and gentlemen, the Constitution and our statutes spell out the duties of our Clerk, and nobody has done a better job anywhere in our country than John Phelps. He's been recognized and awarded by the National Conference of State Legislatures, by the American Society of Legislative Clerks and Secretaries. He's been recognized internationally, as new functioning democracies pop up all over the world—especially in eastern Europe, where John has spent a considerable amount of time lecturing and teaching new democracies how to really have a process that ultimately produces a product that the world can be proud of.

John Phelps has done a fantastic job for the people of this House and for the people of the state of Florida. I would tell the new Members, get familiar with his duties. They are outlined; he prints the *Journal* every day. He will basically be responsible for making sure that your bills are read in a timely fashion, for putting together the Calendar, for putting together an orderly process that you can be proud of. And I will tell you there are many very wise and senior people here—Dennis Jones, George Crady, and others—that can answer a lot of your questions, but ultimately when the senior Members around you can't tell you what the next step is, and you think the roadblocks are such that you can't get out of the box you're in—and you'll feel like that frequently—there is one person to whom you can turn reliably and get the best answer to how to get out of that box. That's John Phelps. I am proud, today, to nominate our friend and a great part of this institution, an institution himself, John Phelps, for our Clerk. [applause]

Rep. K. Smith seconded the nomination of John B. Phelps for Clerk.

**Rep. K. Smith:** Mr. Speaker, it is an honor for me to have the opportunity to second the nomination of, as Representative Feeney has pointed out, a true professional in every sense of the word, and a real friend who has helped me on many, many occasions out of that box that Representative Feeney referred to and has guided me through many of the courses that we have had. And I wanted to give my personal thanks to Mr. Phelps for the work he has done for the Florida House of Representatives. And again, it is an honor for me to second the nomination of John B. Phelps for Clerk of the Florida House of Representatives. [applause]

On motion by Rep. Harrington, seconded by Rep. Garcia, nominations ceased and a unanimous vote was cast for John B. Phelps as Clerk of the House of Representatives.

John B. Phelps was declared the duly elected Clerk of the House for a term of two years beginning today.

Mr. Phelps proceeded to the rostrum where Justice Charles T. Wells administered the Oath of Office to him.

**Speaker Thrasher:** I just want to say before I introduce the Clerk for remarks that one of the goals that I set out to do today was to have a lot of things done that perhaps in the past we have not had done by this time. And I would not have done and accomplished those things had it not been for the Clerk, John Phelps, and his great office and staff. And I want to thank him, personally, and his staff for their great support that they've given me, and I look forward, Mr. Clerk, to two great years with you. And I ask the Members now to welcome the Clerk, but also, when you welcome him, to give him an extra applause, because today is his birthday. Congratulations on your birthday. [applause] [The Members sang "Happy Birthday" to the Clerk.]

#### Remarks by the Clerk

**Clerk Phelps:** Thank you all, dear friends. Representative Feeney may not be aware when he mentioned the monkey-cage story, that the first job I held after getting out of college was training chimpanzees for NASA. [laughter] That's true.

Mr. Speaker, Members of the House, and my dear friends, no greater honor can be granted this legislative foot soldier than continuing in service to the House of Representatives. Even though this is my 99th session, the privilege of witnessing and recording the history that unfolds within the walls of this Chamber is a task that never grows stale. But to quote my predecessor, Allen Morris, The Clerk would have to have a "forehead of brass" to believe that this nomination was other than an expression of trust in your Clerk's staff, many of whom toil often unknown and unseen to document and support the actions of this House. And so thank you, Members, for your confidence and your friendship, and a particular thanks to you, Mr. Speaker, for your steadfast support over many years. [applause]

#### Designation of Sergeant at Arms

The Speaker announced the designation of Earnest W. Sumner as Sergeant at Arms and requested the consent of the House. On motion by

Rep. Sembler, seconded by Rep. Healey, the House consented to the designation of Earnest W. Sumner as Sergeant at Arms. Earnest W. Sumner proceeded to the rostrum, where Justice Charles T. Wells administered the Oath of Office to him.

#### Remarks by the Sergeant at Arms

**Sergeant Sumner:** Thank you all. It is with great humility and gratefulness that I accept the distinguished honor of serving as your Sergeant at Arms for the next two years. It is my pledge to serve each one of you to the best of my ability with equity and fairness to all of you. I, and the entire staff of the Sergeant at Arms Office, remain totally committed and dedicated to serving you with the same level of respect and enthusiasm that you have come to expect over the past 22 years. I give thanks to my family and my many friends that are here today who have been understanding and supportive throughout my entire working career here in the House of Representatives. Without them none of this would have been possible. And I thank you, Mr. Speaker, and Members of the House for putting your trust and your faith in me to serve you as your Sergeant. But, most of all today, I give God the honor and glory. Thank you very much. [applause]

#### Committee to the Governor

On motion by Rep. Brooks, seconded by Rep. Brummer, the Speaker appointed Reps. Bainter, Crist, C. Green, Andrews, Hill, and Gottlieb as a committee to inform the Governor that the House was organized.

#### Committee to the Senate

On motion by Rep. Wallace, seconded by Rep. Barreiro, the Speaker appointed Reps. Constantine, Goode, Gay, Casey, Reddick, and Dennis as a committee to inform the Senate that the House was organized.

The committees were excused to execute their responsibilities.

#### Consideration of House Resolutions

By Representative Arnall—

**HR 1-Org.**—A resolution establishing the Rules and Standing Orders of the House of Representatives of the State of Florida.

Be It Resolved by the House of Representatives of the State of Florida:

That the following Rules and Standing Orders shall govern the House of Representatives of the State of Florida for the Organization Session 1998 and thereafter:

#### RULES

##### I. LEGISLATIVE ORGANIZATION

##### CHAPTER A. General Officers

##### 1. General Officers—

(a) The general officers of the Florida House of Representatives are the following:

- (1) Speaker.
- (2) Speaker pro tempore.
- (3) Majority Leader.
- (4) Minority Leader.
- (5) Clerk.
- (6) Sergeant at Arms.

(b) The Speaker and the Speaker pro tempore shall each be elected by a majority of the duly elected and certified Members of the House. For each office, the vote shall be recorded and, if a majority vote is not received on the first ballot, the Members voting shall vote on the two names receiving the highest number of votes on the first ballot until a majority vote is received.

(c) The Majority Leader shall be selected by the Speaker, and the Minority Leader shall be selected by the Minority Conference.

(d) The Clerk shall be elected by the House to serve at its pleasure.

(e) The Sergeant at Arms shall be appointed by the Speaker, with the advice and consent of the Members.

#### CHAPTER B. Political Parties

2. Political Party Conferences—The political party with the largest number of Members who are registered voters of such party shall form the Majority Conference. The political party with the second largest number of Members who are registered voters of such party shall form the Minority Conference.

3. Political Party Conference Rules—The members of each political party conference may adopt rules to govern the affairs of that conference.

#### CHAPTER C. Councils and Standing Committees; Structure

4. Councils and Standing Committees—Forty standing committees of the House are hereby created. Each committee shall be placed in one of ten councils as follows:

(a) The Academic Excellence Council shall consist of the following substantive standing committees:

- (1) Colleges & Universities.
- (2) Community Colleges & Career Prep.
- (3) Education Innovation.
- (4) Education/K-12.

(b) The Civil Justice Council shall consist of the following substantive standing committees:

- (1) Claims.
- (2) Family Law & Children.
- (3) Judiciary.
- (4) Real Property & Probate.

(c) The Consumer Affairs Council shall consist of the following substantive standing committees:

- (1) Business Regulation & Consumer Affairs.
- (2) Financial Services.
- (3) Insurance.
- (4) Regulated Services.
- (5) Utilities & Communications.

(d) The Criminal Justice & Corrections Council shall consist of the following substantive standing committees:

- (1) Corrections.
- (2) Crime & Punishment.
- (3) Juvenile Justice.
- (4) Law Enforcement & Crime Prevention.

(e) The Economic Development Council shall consist of the following substantive standing committees:

- (1) Business Development & International Trade.
- (2) Tourism.
- (3) Transportation.

(f) The Fiscal Responsibility Council shall consist of the following fiscal standing committees:

(1) Criminal Justice Appropriations.

(2) Education Appropriations.

(3) Finance & Taxation.

(4) General Appropriations.

(5) General Government Appropriations.

(6) Health & Human Services Appropriations.

(7) Transportation & Economic Development Appropriations.

(g) The Health & Family Services Council shall consist of the following substantive standing committees:

- (1) Children & Families.
- (2) Elder Affairs & Long-Term Care.
- (3) Health Care Licensing & Regulation.
- (4) Health Care Services.

(h) The Procedural Council shall consist of the statutory joint committees and the following standing committees:

- (1) Reapportionment.
- (2) Rules & Calendar.

(i) The Public Responsibility Council shall consist of the following substantive standing committees:

- (1) Community Affairs.
- (2) Election Reform.
- (3) Governmental Operations.
- (4) Governmental Rules & Regulations.

(j) The Resource & Land Management Council shall consist of the following substantive standing committees:

- (1) Agriculture.
- (2) Environmental Protection.
- (3) Water & Resource Management.

#### CHAPTER D. Qualifications and Elections of Members

##### 5. Qualifications and Elections of Members—

(a) As specified in Section 2 of Article III of the Florida Constitution, the House is the sole judge of the qualifications, elections, and returns of its Members.

(b) In cases of contest for a seat in the House, notice setting forth the specific grounds of such contest and the supporting evidence must be received by the Clerk not less than 5 days before the Organization Session of the Legislature. No motion to disqualify a Member shall be in order at the Organization Session until a Speaker has been elected in accordance with the Florida Constitution. In the case of a special election, notice must be received by the Clerk not less than 5 days before the next regular or special session convenes. If the election is during a session or less than 5 days before the next session, the notice must be on the next legislative day following the receipt of certified election results. Any contest setting forth facts sufficient to warrant review shall be referred by the Speaker to the appropriate committee. The committee shall hold a hearing and report its findings and recommendations as soon as reasonably possible. Upon receipt of the committee report, the House shall with all dispatch, upon motion, determine the contest by a majority vote.

## II. DUTIES AND RIGHTS OF THE SPEAKER

### CHAPTER A. Duties as Presiding Officer

6. Speaker to Enforce Rules—The Speaker shall enforce, apply, and interpret the Rules of the House in all deliberations.

7. Speaker to Bring Business Before the House—The Speaker shall lay all business before the House, reserve times for the committee and council meetings in compliance with these Rules, and receive motions made by Members and put them to the House.

8. Speaker to Refer Legislation—The authority to make bill referrals rests with the Speaker, except as otherwise provided in these Rules.

9. Preservation of Order and Decorum—The Speaker shall preserve order and decorum. In case of disturbance or disorderly conduct in the galleries or in the lobby, the Speaker may order that these areas be cleared. No signs, placards, or other objects of similar nature shall be permitted in the rooms, lobby, galleries, or Chamber of the House unless approved by the Speaker. The Speaker shall see that the Members conduct themselves in a civil manner in accordance with accepted standards of parliamentary conduct and may, when necessary, order the Sergeant at Arms to clear the aisles and seat the Members so that business may be conducted in an orderly manner.

10. Recognition of Gallery Visitors and Physician of the Day—On written request by a Member, on a form prescribed by the Committee on Rules & Calendar, the Speaker may recognize or permit the Member to recognize any person or persons in the gallery. After granting a request for recognition, the Speaker shall afford that recognition at a convenient place in the order of business, considering the need for order and decorum and the need for continuity of debate. At an appropriate time during proceedings on the floor, the Speaker may recognize a Physician of the Day.

11. Questions of Order—All questions of order shall be presented to the Speaker for determination; however, any decision of the Speaker on a point of order is subject to an appeal to the House made by any five Members. The Speaker may require the Member raising a point of order to cite the Rule or other authority in support of the question. The Speaker may decide the question of order, put such question to the House, or refer such question to the Committee on Rules & Calendar for a recommendation to the House. When a decision of the Speaker on a question of order is appealed, the Speaker shall put the appeal to the House or refer the appeal to the Committee on Rules & Calendar for a recommendation to the House. No Member may speak more than once on an appeal unless given leave by the House by majority vote. Responses to parliamentary inquiries and decisions of recognition made by the Speaker may not be appealed.

12. Appointment of Temporary Presiding Officer—The Speaker may appoint any Member to perform the duties of presiding officer for a temporary period of time not to extend beyond a single legislative day. If the Speaker is absent and has not made such an appointment, the Speaker pro tempore shall act as presiding officer during the Speaker's absence. However, if the Speaker pro tempore is also absent and has not made such an appointment, the Chair of the Committee on Rules & Calendar shall act as presiding officer during the absence of both the Speaker and Speaker pro tempore or may appoint another Member to perform such duties.

13. The Speaker's Vote—The Speaker is not required to vote in legislative proceedings other than on final passage of a bill, except when the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name shall be called last. With respect to voting, the Speaker is subject to the same disqualification and disclosure requirements as any other Member.

#### CHAPTER B. Administrative Duties

14. House Employees Serve at the Pleasure of the Speaker—The Speaker shall employ all employees of the House and shall determine their qualifications, hours of work, and compensation, including perquisites and other benefits. All employees serve at the pleasure of the Speaker. The Speaker has the right to dismiss any employee of the House, and the pay of such employee shall stop on the designated day of dismissal.

15. Speaker to Sign Papers and Authorize Counsel in Suits Affecting the House—

(a) The Speaker shall sign all acts, joint resolutions, concurrent resolutions, resolutions, memorials, writs, subpoenas, vouchers for expenditures chargeable to the House, contracts binding on the House, or other papers issued by the House. The Speaker may delegate the authority to sign papers of an administrative nature.

(b) The Speaker may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the House, a committee of the House, a Member of the House (whether in the legal capacity of Member or taxpayer), a former Member of the House, or an officer or employee of the House when such suit is determined by the Speaker to be of significant interest to the House and the Speaker believes that the interest of the House would not be otherwise adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the Speaker.

16. Control Over Chamber and Other Rooms Assigned to the House—The Speaker shall have general control of the Chamber of the House, its lobby, galleries, corridors, and passages, and other rooms in those parts of the Capitol assigned to the use of the House. The Chamber of the House may not be used for any meeting other than a legislative meeting unless specifically authorized by the Speaker.

17. Standing Committee and Council Appointments—

(a) The Speaker shall appoint the Chair, the Vice Chair, and any Co-Chairs deemed necessary for each standing House committee and shall also appoint the remaining membership of each such committee. The Speaker shall also appoint the Chair of each council and may appoint other council members as needed. The Speaker shall give notice of each such appointment in writing to the Clerk for publication in an Interim Calendar and the Session Journal.

(b) If the need arises, the Speaker may appoint a temporary Chair for any standing committee or council.

18. Appointment of Select and Conference Committees—

(a) The Speaker may at any time create a select committee and shall appoint the membership and name the Chair and Vice Chair thereof. A select committee has the jurisdiction, authority, and duties and exists for the period of time specified by the Speaker. A select committee has the powers granted by these Rules to a standing committee except as limited by the Speaker. The Speaker shall give notice of the creation of a select committee in writing to the Clerk for publication in an Interim Calendar and the Session Journal.

(b) The Speaker shall appoint the House membership of all conference committees. The Speaker shall name the House Chair of each conference committee, and may also name the House Vice Chair thereof, except that the Chair of the Fiscal Responsibility Council shall be the House Chair of the Conference Committee for a General Appropriations Bill and shall also be the House Chair of the Conference Committee for any bill directly associated with a General Appropriations Bill.

19. Interim Studies—When the Legislature is not in session, the Speaker may direct committees to perform interim studies.

### III. MEMBERS

20. Members Shall Vote; Disclosure of Interest and Disqualification from Voting—

(a) Every Member shall be within the House Chamber during its sittings, unless excused or necessarily prevented, and shall vote on each question put; however, no Member may vote on any measure that the Member knows or believes would inure to the Member's special private gain.

(b) A Member, when voting on any measure that the Member knows or believes would inure to the special private gain of a family member of the Member, or to the special private gain of any principal by whom the Member or a family member of the Member is retained or employed,

must disclose the nature of the interest of such person in the outcome of the vote. Disclosure shall be done in a timely manner by filing a memorandum with the Clerk, which shall be printed in the Journal if the vote is taken on the floor. If the vote is taken in a committee, the memorandum shall be filed with the committee administrative assistant, who shall attach such memorandum to the committee report. For the purpose of this Rule, family members include the Member's spouse, parents, and children.

21. Excused Absence—Upon written request of a Member submitted in a timely manner, the Speaker may, by written notice to the Clerk, excuse the Member from attendance on the House for any stated period. Such excused absence shall be noted in the Journal.

22. Possession of Bills—No Member nor any other person may take possession of an original bill, after filing, with the intention of depriving the Legislature of its availability for consideration. The responsibility for the safekeeping of original filed bills shall vest in the Clerk or, after being committed to a committee, in the committee Chair. The committee Chair may authorize a staff member to sign for receipt of bills referred to the committee.

23. Members Presumed Present Unless Excused or Necessarily Prevented; Failure to Answer Roll Call—

(a) Any Member who has answered roll call (either orally or by electronic means) at the opening of any daily session, or who enters after the initial quorum call and informs the Clerk of the Member's presence, shall thereafter be presumed present unless necessarily prevented or leave of absence is obtained from the Speaker. The Speaker shall make each determination as to whether a Member was necessarily prevented.

(b) Any Member who is present and who fails or refuses to record on a roll call after being requested to do so by the Speaker shall be recorded as present by the Speaker and shall be counted for the purpose of making a quorum.

24. Legislative Ethics and Official Conduct—Legislative office is a trust to be performed with integrity in the public interest. A Member is respectful of the confidence placed in the Member by the other Members and by the people. By personal example and by admonition to colleagues whose behavior may threaten the honor of the lawmaking body, the Member shall watchfully guard the responsibility of office and the responsibilities and duties placed on the Member by the House. To this end, each Member shall be accountable to the House for violations of this Rule or any provision of the House Code of Conduct contained in Rules 24 through 31.

25. The Integrity of the House—A Member shall respect and comply with the law and shall perform at all times in a manner that promotes public confidence in the integrity and independence of the House and of the Legislature. Each Member shall perform at all times in a manner that promotes a professional environment in the House, which shall be free from employment discrimination.

26. Improper Influence; Solicitation of Campaign Contributions—

(a) A Member may not accept anything that reasonably may be construed to improperly influence the Member's official act, decision, or vote.

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

27. Ethics; Conflicting Employment—A Member shall:

(a) Scrupulously comply with the requirements of all laws related to the ethics of public officers.

(b) Not allow personal employment to impair the Member's independence of judgment in the exercise of official duties.

(c) Not directly or indirectly receive or agree to receive any compensation for any services rendered or to be rendered either by the

Member or any other person when such activity is in substantial conflict with the duties of a Member of the House.

28. Use of Official Position—A Member may not corruptly use or attempt to use the Member's official position in a manner contrary to the trust or authority placed in the Member, either by the public or by other Members, for the purpose of securing a special privilege, benefit, or exemption for the Member or for others.

29. Use of Information Obtained by Reason of Official Position—A Member may engage in business and professional activity in competition with others, but may not use or provide to others, for the Member's personal gain or benefit or for the personal gain or benefit of any other person or business entity, any information that has been obtained by reason of the Member's official capacity as a Member and that is unavailable to members of the public as a matter of law.

30. Members to Advise Legislative Employees of House Requirements—Each Member is responsible for calling the regulations, policies, and procedures approved by the Speaker relating to legislative staff and the Rules of the House relating to legislative staff to the attention of any staff for whom the Member is directly responsible. A Member may not engage, or permit another to engage, in conduct that the Member knows or should have known to be harmful to a professional environment in the workplace, which shall be free from employment discrimination. A professional environment in the workplace, which shall be free from employment discrimination, is one in which there is compliance with state and federal law and the regulations, policies, and procedures relating to employment discrimination approved by the Speaker.

31. Representation of Another Before a State Agency—A Member may not personally represent another person or entity for compensation before any state agency other than a judicial tribunal. For the purposes of this Rule, "state agency" means any entity of the legislative or executive branch of state government over which the Legislature exercises plenary budgetary and statutory control.

32. Advisory Opinions—

(a) A Member, when in doubt about the applicability and interpretation of these Rules with respect to legislative ethics and Member conduct, may convey the facts of the situation to the House general counsel for an advisory opinion. The general counsel shall issue the opinion within 10 days after receiving the request. The advisory opinion may be relied upon by the Member requesting the opinion. Upon request of any Member, the committee designated by the Speaker to have responsibility for the ethical conduct of Members may revise an advisory opinion rendered by the House general counsel through an advisory opinion issued to the Member who requested the opinion.

(b) An advisory opinion rendered by the House general counsel or the committee shall be numbered, dated, and published by the Clerk in an annual publication of the House. Advisory opinions from the House general counsel or the committee may not identify the Member seeking the opinion unless such Member so requests.

33. Felony Indictment or Information of a Member—

(a) If an indictment or information for a felony of any jurisdiction is filed against a Member of the House, the Member indicted or informed against may request the Speaker to excuse the Member, without pay, from all privileges of membership of the House pending final adjudication.

(b) If the indictment or information is either nolle prossed or dismissed, or if the Member is found not guilty of the felonies charged, or lesser included felonies, then the Member shall be paid all back pay and other benefits retroactive to the date the Member was excused.

34. Felony Guilty Plea of a Member—A Member who enters a plea of guilty or nolo contendere (no contest) to a felony of any jurisdiction may, at the discretion of the Speaker, be suspended immediately, without a hearing and without pay, from all privileges of membership of the House through the remainder of that Member's term.

## 35. Felony Conviction of a Member—

(a) A Member convicted of a felony of any jurisdiction may, at the discretion of the Speaker, be suspended immediately, without a hearing and without pay, from all privileges of membership of the House pending appellate action or the end of the Member's term, whichever occurs first.

(b) A Member suspended under the provisions of this Rule may, within 10 days after such suspension, file a written request for a hearing setting forth specific reasons contesting the Member's suspension. Upon receipt of a written request for a hearing, the Speaker shall appoint a select committee, which shall commence a hearing on the Member's suspension within 30 days and issue a report to the House within 10 days after the conclusion of the hearing. The report of the select committee shall be final unless the Member, within 10 days after the issuance of the report, requests in writing that the Speaker convene the full House to consider the report of the select committee. Upon receipt of a request for such consideration, the Speaker shall timely convene the House for such purpose.

(c) If the final appellate decision is to sustain the conviction, then the Member's suspension shall continue to the end of the Member's term. If the final appellate decision is to vacate the conviction and there is a rehearing, the Member shall be subject to Rule 33. If the final appellate decision is to vacate the conviction and no felony charges remain against the Member, the Member shall be entitled to restitution of back pay and other benefits retroactive to the date of suspension.

## 36. Open Meetings—

(a) Subject to order and decorum, each Member shall provide reasonable access to members of the public to any meeting between such Member and more than one other Member of the Legislature, if such members of the public have requested admission and such meeting has been prearranged for the purpose of agreeing to take formal legislative action on pending legislation or amendments at such meeting or at a subsequent time. No such meeting shall be conducted in the Members' Lounge, at any location that is closed to the public, or at any location that the Member knows prohibits admission on the basis of race, religion, gender, national origin, physical handicap, or similar classification.

(b) Meetings conducted in the Chambers of either the House or the Senate while such body is in session shall be considered to be held at a location providing reasonable access to, and to be reasonably open to, the public. When the number of persons must be limited because of space considerations or otherwise for the maintenance of order or decorum, at least one representative each of the print, radio, and television media shall be included among the members of the public admitted, if such persons have requested admission.

(c) For the purpose of this Rule, and as used in Section 4 of Article III of the Florida Constitution, legislation shall be considered pending if filed with the Clerk and an amendment shall be considered pending if it has been delivered to the administrative assistant of a committee in which the legislation is pending or to the Clerk, if the amendment is to a bill that has been reported favorably by each committee of reference, and the term "formal legislative action" shall include any vote of the House or Senate, or of a committee of either house, on final passage or on a motion other than a motion to adjourn or recess.

## IV. DUTIES OF THE CLERK, SERGEANT AT ARMS, CHAPLAIN, AND EMPLOYEES

## 37. Clerk—

(a) The Clerk shall:

- (1) Be the custodian of all bills, resolutions, and memorials.
- (2) Number in the order of their filing, in an odd-number sequence, all bills, resolutions, and memorials.
- (3) Provide for the keeping of a complete record of introduction and action on all bills, resolutions, and memorials, including the number,

the author, a brief description of the subject matter, and each committee reference.

(4) Provide to the committee Chair each measure referred to a committee along with all official attachments thereto.

(5) Keep a correct journal of proceedings of the House. The Journal shall be numbered serially and published from the first day of each session of the Legislature.

a. All amendments taken up, unless withdrawn, shall be printed in the Journal, except that an amendment to a General Appropriations Bill constituting an entirely new bill shall not be printed until the filing of the conference committee report.

b. Any motion to spread remarks upon the Journal, except those of the Governor and Speaker, shall be referred to the Committee on Rules & Calendar for recommendation before being put to the House.

(6) Keep open the Office of the Clerk during and between sessions of the Legislature.

(7) Superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials.

(8) Not permit any records or papers belonging to the House to be taken out of the Clerk's custody other than in the regular course of business and only then upon receipt. All such records in the custody of the Clerk shall be available for public inspection.

(9) Report any missing papers to the Speaker.

(10) Prepare Daily and Interim Calendars necessary to provide public notice of consideration of bills, resolutions, and memorials by the House and its committees.

(11) Prepare the copy for all printed forms used by the House in the process of considering legislation. The Clerk shall have the responsibility for distribution of documents required by these Rules to be originated in the Office of the Clerk.

(12) Examine bills, resolutions, and memorials upon their tender for introduction to determine whether facially they meet the requirements of the Florida Constitution for the presence of the enacting or resolving clause or the provision in local bills, including local claim bills, for advertising or for referendum; however, beyond calling an apparent defect to the attention of the sponsor, the obligation of the Clerk shall end.

(13) Sign and receive necessary papers in the name of the House between a general election and election of the Speaker.

(b) It shall be a ministerial duty of the Clerk to attest to all writs, issued by order of the House, and to the passage of all bills, resolutions, and memorials.

## 38. Sergeant at Arms—The Sergeant at Arms shall:

(a) Attend the House during its sittings and maintain order under the direction of the Speaker or Member performing the duties of the presiding officer.

(b) Ensure that no person is admitted to the House Chamber except in accordance with these Rules.

(c) Be under the direct supervision and execute all commands of the Speaker.

(d) Be the custodian of furniture, books, and property of the House and shall annually take an inventory of all property under the Sergeant at Arms' charge.

(e) Perform all other duties pertaining to the Sergeant at Arms' Office as prescribed by law or these Rules.

39. Chaplain to Offer Prayer—A chaplain shall attend at the beginning of each day's sitting of the House and open the same with prayer. In the absence of a chaplain, the Speaker may designate someone else to offer prayer.

40. Employees Forbidden to Lobby; Restriction on Employee Campaign Activities—

(a) An employee of the House may not, directly or indirectly, be interested in or concerned with the passage or consideration of any bill except a duly authorized member of the staff designated in writing by a Member with authority over the designated staff member. If any employee exhibits an improper interest in or concern with any bill, it shall be grounds for dismissal. This provision does not prohibit a Member's assigned district staff, at the Member's direction, from representing the Member's views on issues in which the Member has an interest.

(b) An employee of the House may not engage in campaign activities during regular work hours, except when on approved leave, and may neither hold, nor be a candidate for, public office (other than a political party executive committee office) while in the employ of the House.

V. BILLS, RESOLUTIONS, AND MEMORIALS

41. "Bill" Stands for All Legislation—Except when the context otherwise indicates, "bill," as used in these Rules, means a bill, joint resolution, concurrent resolution, resolution, memorial, or other measure upon which a committee may be required to report.

42. Forms of Measures—

(a) To be acceptable for introduction, all bills shall be produced in accordance with standards approved by the Speaker. The original bill shall be backed with a folder-jacket, and three copies of the original bill shall also be backed with jackets. On these jackets shall be inscribed the name of the sponsor and enough of the title for identification, and on the original folder-jacket shall be inscribed the signature and district number of the first-named sponsor and each other sponsor agreed to by the first-named sponsor. All signatures and respective district numbers must be on a numbered line as provided on the bill jacket. After bill filing, those Members desiring to be cosponsors must fill out a cosponsor form to be agreed to by the first-named sponsor.

(b) No Member may be added or deleted as a sponsor or cosponsor of a bill without the Member's written consent on forms provided by the Clerk.

(c) The bill should be aligned on the page substantially according to the following form:

A bill to be entitled

An act . . . . .

Be It Enacted by the Legislature of the State of Florida:

Section 1. . . . .

Section 2. . . . .

(d) Bills that propose to amend existing provisions of law shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the Florida Constitution shall contain the full text of the section to be amended. As to those portions of general bills and joint resolutions that propose to amend existing provisions of the Florida Statutes or the Florida Constitution, new words shall be inserted in the text underlined and words to be deleted shall be lined through with hyphens. If the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it is not 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 affected section of the bill: "Substantial rewording of section. See s. . . . , F.S., for present text." When such a notation is used, the notation, as well as the substantially reworded text, shall be underlined. The words to be deleted and the above-described indicators of such words and of new material are for

information and guidance and do not constitute a part of the bill under consideration. Numerals in the margins of the line-numbered paper do not constitute a part of the bill and are shown on the page only for convenience in identifying lines. Section catchlines of existing text shall not be underlined, nor shall any other portion of a bill covered by this Rule other than new material.

43. Bills and Joint Resolutions—

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

(b) All joint resolutions shall contain a title and the resolving clause "Be It Resolved by the Legislature of the State of Florida:".

44. Local Bills

(a) If a committee determines that the substance of a local bill may be enacted into law by ordinance of a local governing body, that committee shall not report the bill to the Clerk. However, if a local governing body would be required to call a referendum to enact the substance of a local bill into law, the committee may report the local bill.

(b) If a committee determines that a local bill provides only an exemption from general law, it shall be reintroduced as a general bill.

(c) All local bills, including local claim bills, must either, as required by Section 10 of Article III of the Florida Constitution, embody provisions for a ratifying referendum (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement, securely attached to the original bill ahead of its first page.

(d) No local bill originating in the House, except a local bill introduced by a standing committee, shall be given first reading unless filed with the Clerk by 12:00 noon of the first day of the regular session.

45. Memorials—A memorial expresses the opinion of the Legislature to the Federal Government. All memorials shall contain the resolving clause "Be It Resolved by the Legislature of the State of Florida:".

46. House Resolutions and Concurrent Resolutions—

(a) All House resolutions and all concurrent resolutions shall contain a title and a resolving clause. In the case of House resolutions, the resolving clause shall be "Be It Resolved by the House of Representatives of the State of Florida:." In the case of concurrent resolutions, the resolving clause shall be "Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:". Concurrent resolutions shall present only questions pertaining to extension of a session, enactment of joint rules, ratification of federal constitutional amendments, communications with the judiciary, or other procedural legislative matters.

(b) Copies of House resolutions directed in the resolution to be furnished to any person after adoption shall be prepared only by the Clerk. The Secretary of State shall be requested to prepare certified copies of concurrent resolutions after their adoption.

47. Requirements for Introduction—

(a) All bills (other than a General Appropriations Bill, concurrent resolutions relating to organization of the House, reviser's bills, reapportionment bills or resolutions, and recall of acts from the Governor) shall either be prepared or, in the case of local bills, reviewed by the House Bill Drafting Service. After completion and delivery by the House Bill Drafting Service, no change may be made in the text or title of the bill without returning the bill to the House Bill Drafting Service prior to filing with the Clerk.

(b) The Director of the House Bill Drafting Service shall notify any Member proposing a bill if an identical or similar bill has been filed and, if so, the name of the sponsor of such bill.

48. Printing—Upon introduction, all bills (including committee bills and committee substitutes) shall be printed for the information of the

House and the public, except that reviser's bills and House resolutions shall be printed only upon the order of the Committee on Rules & Calendar. The Clerk shall have sufficient copies printed for the needs of the House and the public and shall furnish the copy for all such printing. Except as provided in Section 19(d) of Article III of the Florida Constitution, the absence of a printed copy shall not delay the progress of any bill at any stage of its consideration.

49. Identification—All bills shall be introduced in the order they are received by the Clerk and shall be serially numbered, in an odd-number sequence, as filed; however, House resolutions shall be serially numbered separately, in an odd-number sequence. The Clerk shall validate the original copy of each bill, and each page thereof, to ensure its identification as the item introduced in order to prevent unauthorized or improper substitutions therefor. Any device used for such validation shall be used by and at all times shall be in the secure custody of the Clerk, and its use by any person not authorized by this Rule shall be prohibited.

50. Companion Measures—A companion Senate bill must be substantially similar in wording, and identical as to specific intent and purpose, to the House bill for which it is being substituted. Whenever a House bill is reached on the floor for consideration, either on second or third reading, and there is also pending on the Calendar of the House a companion bill already passed by the Senate, it shall be in order to move that the Senate companion bill be substituted and considered in lieu of the House bill. Such motion may be adopted by a majority vote, provided the Senate bill is on the same reading, otherwise the motion shall be to suspend the Rules by two-thirds vote of the Members present and voting and substitute such Senate bill. At the moment the House substitutes the Senate companion bill or takes up a Senate bill in lieu of a House bill, the House bill so replaced shall be automatically tabled. Recommitment of a House bill shall automatically carry with it any Senate companion bill then on the Calendar of the House.

51. Miscellaneous Papers; Veto Messages—

(a) Papers of a miscellaneous nature addressed to the House may, at the discretion of the Speaker, be read, noted in the Journal, or filed with the appropriate committees. When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and such reading is objected to by any Member, it shall be determined without debate by the House by majority vote.

(b) The Speaker shall refer veto messages to the appropriate committees for recommendations.

52. Prefiled Bills; Reference—

(a) During the period between the Organization Session and the convening of the first regular session of the legislative biennium and during the period between the first and second regular sessions of the legislative biennium, Members may file with the Clerk for introduction bills that have been prepared or reviewed by the House Bill Drafting Service.

(b) Such prefiled bills shall be numbered by the Clerk and presented to the Speaker for reference as otherwise provided under these Rules. After the Speaker has referred a bill to a committee or committees, the Clerk shall notify the appropriate committee.

(c) Committees shall, after consideration of prefiled bills, report their actions promptly, in the manner prescribed by these Rules. Once received by the Clerk, a committee report on a prefiled bill shall not be subject to recall by the committee.

(d) Prefiled bills shall be given first reading either on the first day of a regular session or as soon thereafter as possible. The Clerk shall record in the Journal the Speaker's reference of bills.

53. Reviser's Bills—

(a) Reviser's bills are nonsubstantive bills initiated by the Office of Legislative Services pursuant to section 11.242, Florida Statutes, for any of the following purposes:

- (1) To reduce the number and bulk of the statutes.
- (2) To remove inconsistencies and redundancies in the statutes.
- (3) To improve the clarity and facilitate the correct and proper interpretation of the statutes.

(b) Reviser's bills shall be introduced by the Committee on Rules & Calendar, which may request prior review by another substantive committee. They shall be filed as soon as possible prior to or during each legislative session. Except by report of the Committee on Rules & Calendar, reviser's bills may be amended only by making deletions.

54. Limitation on Member Bills Under Consideration—

(a) A Member may not be the first-named sponsor of more than six bills or committee substitutes therefor under consideration during a regular session. For the purpose of this Rule, bills that have passed the House, have been withdrawn from further consideration, or have been laid on the table shall not be considered "under consideration."

(b) Bills not counted toward these limits include:

- (1) Local bills, other than local claim bills.
- (2) Memorials.
- (3) House resolutions.
- (4) Trust fund bills or open records bills adhering to another bill.
- (5) Bills introduced by a committee under Rule 86.

VI. COUNCILS AND COMMITTEES—ORGANIZATION, MEETINGS, AND OVERSIGHT

CHAPTER A. Organization

55. Membership of Councils—

(a) COUNCIL MEMBERSHIP; EXCEPTION. Except for the Procedural Council, each council shall consist of a Chair, the Chair of each of the standing committees within the council, and such other Members as may be designated by the Speaker in accordance with Rule 17.

(b) PROCEDURAL COUNCIL.

(1) Membership. The Procedural Council shall consist of a Chair, the Chairs of the standing committees within the Council, any House Member serving as Chair of a statutory joint committee, and such other Members as may be designated by the Speaker in accordance with Rule 17.

(2) Responsibilities. The Procedural Council shall assist and advise the Speaker in the development and coordination of overall policy and oversight of the management of the House and statutory joint committees.

56. Membership of Committees—Membership on the standing committees shall be determined by the Speaker, in accordance with Rule 17, prior to the convening of each regular session. Membership on select committees and conference committees shall be determined by the Speaker as needed, in accordance with Rules 18 and 87.

57. Vacancies on Standing Committees—If a vacancy occurs on a standing committee after its organization, the Speaker shall appoint an eligible Member to fill the vacancy. The Speaker shall give notice of the appointment in writing to the Clerk for publication in an Interim Calendar and the Session Journal.

58. Ex Officio Members—The Speaker may designate the Speaker pro tempore or the Majority Leader as an ex officio, voting member of any standing committee. Alternatively, the Speaker may designate the council Chair as an ex officio, voting member of any committee within that council. No standing committee may have more than one ex officio member voting at any one time. For the purpose of a quorum, an ex officio member shall not be included in the membership of a committee. The Speaker shall give notice of the designation of any such ex officio



member in writing to the Member so designated and to the committee Chair.

CHAPTER B. Meetings—Powers, Duties, and Procedure

59. Councils—Ranking, Reference, Extended Voting, Approval of Proposed Committee Bills, Meeting Notice, and Delivery of Reports—

(a) Except as otherwise provided in these Rules, during a regular session the council whose jurisdiction includes the committee introducing the bill or to which a Member bill was first referred by the Speaker or by subsequent action of the House shall rank, in order of importance, each bill favorably reported out of all committees to which the bill was referred. For purposes of ranking, a bill introduced by a committee means a committee bill only, not a committee substitute. When meeting to rank bills, each council shall rank all bills within the council that are available for ranking, shall report such ranking to the Committee on Rules & Calendar to be considered by the committee for placement on the Special Order Calendar, and shall post such ranking report on the council office door. Any previously ranked bill that is not on the current or a pending Special Order Calendar may be ranked again. Fractional or equal rankings are not permitted.

(b) A council may rank bills during any special session and during the period when the Legislature is not in session; however, a council meeting during the interim may rank bills only during the last scheduled week of committee meetings prior to the next regular session.

(c) Bills or resolutions placed on a Local, Trust Fund, General, or Ceremonial Resolutions Calendar are not required to be ranked, except as provided in subsection (e).

(d) A council may, during any legislative session or during the interim, refer bills available for ranking to a standing committee within that council with a request for further consideration, including, but not limited to, combining two or more bills into a committee substitute. However, a council may not refer a bill to a standing committee within that council for further consideration if the bill has previously been ranked, unless the bill has become available for ranking or further reference as a result of being returned to committee by action of the Speaker or the House.

(e) At any time prior to passage of the objection period provided in Rule 123 for bills on a General Calendar, a council with substantive jurisdiction over a bill may, by majority vote, remove the bill from the General Calendar for the purpose of ranking or further reference. In addition, a council shall rank or further refer any bill or resolution over which it has substantive jurisdiction and which has been placed on the Calendar of the House after being contested and removed from a Local, Trust Fund, General, or Ceremonial Resolutions Calendar.

(f) When ranking a bill recommended for closure by the first substantive committee of reference, a council shall decide whether to agree with such recommendation as provided in Rule 79.

(g) A council may designate certain bills available for extended voting. When a vote on final passage is taken on a bill designated for extended voting, the voting machine shall remain open for up to 5 minutes, during which time Members may vote and no other business may be considered.

(h) Before a standing committee may consider a proposed committee bill, the council whose jurisdiction includes the committee must approve the consideration by the committee of the proposed bill. A proposed committee bill that does not receive council approval of its consideration may not be noticed for consideration. However, this subsection does not apply to proposed committee bills that re-create trust funds, reviser's bills, resolutions that pertain to rules, procedures, or sessions, or other bills of an entirely technical nature as determined by the Committee on Rules & Calendar.

(i) During the first 45 calendar days of a regular session, prior notice must be given 6 hours in advance of a council meeting. After the 45th calendar day and during any extended or special session, notice must be given at least 2 hours in advance of a proposed meeting. Such notice

shall include a listing of the general subject matter of any legislation a committee seeks approval to notice and take up as a proposed committee bill; shall state the date, time, and place of the meeting; and shall be given to the Clerk, the Sergeant at Arms, and the members of the council. The Sergeant at Arms, in receiving such notice, shall show on a receipt the day and hour received. Whenever timely, the Clerk shall enter the notice in the Calendar of the House. If a council is approved and scheduled for a meeting by the Speaker, but does not plan to meet, a notice stating that no meeting is to be held shall be filed with the Clerk and posted on the council door.

(j) Before any council holds a meeting during the period when the Legislature is not in session, a notice of such meeting must be filed with the Clerk and the Sergeant at Arms no later than 7 calendar days before the Friday preceding the week of the meeting. If a council is approved and scheduled for a meeting by the Speaker, but does not plan to meet, a notice stating that no meeting is to be held must be filed. The council administrative assistant shall send copies of the notice to the members of the council and to such others who have requested notice. Such notice shall include a listing of the general subject matter of any legislation a committee seeks approval to notice and take up as a proposed committee bill and shall state the date, time, and place of the meeting. Whenever timely, the Clerk shall enter such notices in an Interim Calendar.

(k) A council shall deliver its reports forthwith to the Committee on Rules & Calendar and shall provide a copy to the Clerk. Each council report must include all bill rankings, bill referrals, agreements on recommendations for bills to be closed, designations of bills for extended voting, and approvals of proposed committee bills resulting from the meeting.

60. Powers of the Chair—

(a) The committee or council Chair shall sign all notices, vouchers, subpoenas as provided under Rule 94, or reports required or permitted by these Rules. Except as otherwise provided in these Rules, the Chair has all authority necessary to ensure an efficient operation of the committee or council, including, but not limited to, presiding over the committee or council, establishing the agenda for the committee or council, deciding all questions of order in committee or council, and determining the order in which matters are considered in committee or council.

(b) Questions of order are subject to an appeal by any committee or council member, and the appeal shall be certified by the Chair to the House for a decision by the Speaker during the daily session of the House next following such certification. The ruling shall be entered in the Journal and shall be subject to appeal as any other question. The Chair may, or on majority vote of the committee or council shall, certify a question of parliamentary procedure to the Speaker as contemplated by the Rule without a formal appeal. Such a certified question shall be disposed of by the Speaker as if it had been on appeal. The certification of an appeal or of a question of parliamentary procedure pursuant to this Rule does not constitute an automatic stay to further legislative action on the measure under consideration.

61. Meetings of Committees and Councils—Committees and councils shall meet at the call of the Chair or, in the Chair's absence, the Vice Chair of the committee or temporary presiding officer of the committee or council, as applicable, within the dates and times reserved by the Speaker.

62. Notice of Room Assignment to the Public—Each committee or council shall regularly meet in the room assigned for its use by the Sergeant at Arms, and notice of such assignment shall be posted.

63. Time for Meetings—A committee or council Chair may arrange with the Sergeant at Arms for an evening or other special meeting; however, no committee or council meeting shall begin before 8:00 a.m. or last beyond 6:00 p.m. unless granted special leave by the Speaker to do so.

64. Committees and Councils Meeting During House Session—No committee or council shall meet while the House is in session without

special leave, except the Committee on Rules & Calendar and conference committees.

**65. Consideration of Bills, Including Proposed Committee Bills and Proposed Committee Substitutes—**

(a) The Chair or, in the Chair's absence, the Vice Chair or temporary presiding officer of any committee shall give prior notice in writing of the intention to take up any bill or proposed bill.

(b) Proposed committee bills (PCBs) shall be treated as other bills in meeting the requirements for notice under Rules 66 through 68. The committee administrative assistant shall provide a copy of any PCB to each committee member no later than the time of posting of notice and make copies of PCBs available, upon request, to other Members of the Legislature and to the general public. Delivery to committee members shall be by mail or other, appropriate, electronic means during the interim and shall be to House offices when the House is in session. A PCB taken up without the committee conforming to this Rule shall be regarded as being considered in workshop session only, with final action carried over to a future meeting of the committee at which the requirements of this Rule have been met.

(c) Proposed committee substitutes (PCSs) shall meet the notice requirements that apply to PCBs.

**66. Time Required for Advance Notice—**

(a) During the first 45 calendar days of a regular session, prior notice shall be given 2 days (excluding Saturday and Sunday) in advance of a committee meeting for the purpose of considering legislation. If the notice is given by 4:30 p.m. to the Sergeant at Arms and the Clerk, a bill or proposed bill may be heard at any time on the second succeeding day. After the 45th calendar day and during any extended or special session, the notice shall be given at least 24 hours in advance of the proposed committee meeting.

(b) If a committee is approved and scheduled for a meeting by the Speaker, but does not plan to meet, a notice stating that no meeting is to be held shall be filed with the Clerk and posted on the committee door.

(c) Except when sitting as a committee considering the substance of legislation, the Committee on Rules & Calendar shall be exempt from the requirements of this Rule.

**67. Nature and Distribution of Notice—**

(a) A notice shall include a listing and sufficient title for identification of any and all bills or proposed bills to be considered by a committee, including, time permitting, those pending on reconsideration. However, failure to include a bill pending on reconsideration in the notice does not preclude the motion to reconsider from being made as provided under Rule 72(b).

(b) A notice shall state the date, time, and place of a meeting and be provided to the Clerk, the Sergeant at Arms, the sponsor, and the members of the committee. A notice shall also be provided to any Member who has given the Chair, on a form provided by the committee and signed by the Chair, timely written notice of the Member's desire to be notified on a specific bill. The Sergeant at Arms, in receiving notices, shall show on a receipt the day and hour received.

(c) Whenever timely, the Clerk shall enter notices in the Calendar of the House.

**68. Notices of Meetings Between Sessions—**During the period when the Legislature is not in session, before any committee holds a meeting for the purpose of considering a prefiled bill, a proposed committee bill (PCB) approved by council, or a proposed committee substitute (PCS), a notice of such meeting shall be filed with the Clerk and the Sergeant at Arms no later than 7 calendar days before the Friday preceding the week of the meeting. If a committee is approved and scheduled for a meeting by the Speaker, but does not plan to meet, a notice stating that no meeting is to be held shall be filed. The committee administrative assistant shall send copies of the notice to the members of the committee, to the first-named sponsor of the bill, and to such sponsors

and others who have requested notice. This notice shall state the date, time, and place of the meeting, the bill number, and a portion of the title sufficient for identification. Whenever timely, the Clerk shall enter such notices in an Interim Calendar. When two meetings have been scheduled by a committee during a 30-day period when the Legislature is not in session, the Chair may provide in the notice for the first meeting that bills placed on the agenda for the first meeting and not reported out shall be available for consideration at the second meeting without further notice.

**69. Notices Furnished to Majority and Minority Offices—**In addition to any other provisions of these Rules, notices required to be filed with the Clerk shall be furnished to the Majority Office and the Minority Office.

**70. Attendance Upon Meetings Required—**A Member shall attend all meetings of committees to which appointed, unless excused by the Chair of the committee or the Speaker. Excuse from House session shall constitute excuse from that day's committee meetings. Failure to attend two consecutive meetings, unless excused, shall constitute automatic removal from the committee and create a vacancy. Upon notification by the Chair of the committee, the Speaker shall make an appointment to fill such vacancy.

**71. Continuation of Recessed Meetings on Same Day—**A committee or council may continue the consideration of properly noticed legislation after the expiration of the time set for the meeting if a majority agree to continue or to temporarily recess to continue the meeting at a time and place certain on the same day, provided there is no conflict with another scheduled committee or council meeting.

**72. Reconsideration in Committee—**The Rules of the House shall govern proceedings in committee insofar as they are applicable, except that a motion for reconsideration shall be treated in the following manner:

(a) When a main question has been decided by a committee, any Member voting with the prevailing side, or any Member when the vote was a tie or by voice, may move for reconsideration instantly or leave the motion pending. By a two-thirds vote of the Members present and voting, the committee may take up for immediate disposition any such motion to reconsider left pending. The motion to reconsider may be made at any time during the same meeting prior to the adoption of a motion to rise or to the committee's rising without motion upon the time of adjournment having arrived.

(b) A motion to reconsider that has been made and left pending shall be a special and continuing order of business for the next succeeding committee meeting, which, unless considered at that meeting on the request of any member of the committee, shall be deemed abandoned, and the committee administrative assistant shall forthwith report the bill to the Clerk.

(c) A motion to reconsider a collateral matter must be disposed of during the course of consideration of the main subject to which it is related.

(d) If the committee refuses to reconsider or, upon reconsideration, confirms its prior decision, no further motion to reconsider shall be in order except upon unanimous consent of the committee members present.

(e) During the last 5 legislative days of a regular session or at any time during an extended or special session, the motion to reconsider must be disposed of when made.

(f) If a motion to reconsider is not made at the meeting at which a bill has been considered and decided, the committee administrative assistant shall forthwith report the bill to the Clerk.

**73. Open Meetings; Decorum—**

(a) All meetings of all committees and councils shall be open to the public at all times, subject always to the authority of the Chair or other presiding officer to maintain order and decorum. However, when necessary for the protection of a witness and with the concurrence of the

Speaker, a Chair may close a committee meeting, or portion thereof, and the record of such meeting may not disclose the identity of the witness appearing before the committee.

(b) The authority of the Chair or other presiding officer to maintain order and decorum includes the authority to require all persons attending a committee or council meeting to silence all telephones, audible beepers, and other audible electronic equipment.

74. Unfavorable Reports—A bill reported unfavorably to the Clerk shall be laid on the table. A bill so reported may be taken from the table upon the motion of any Member on the floor, adopted by a two-thirds vote of the Members present and voting, after debate not to exceed 6 minutes evenly divided between proponents and opponents of the motion.

75. Voting in Committee—A majority of the members of a committee present, a quorum having been established, shall agree by their recorded votes upon the disposition of any bill or other main question considered by the committee. (Florida Constitution, Article III, Section 4(c): "In any legislative committee or subcommittee, the vote of each member voting on the final passage of any legislation pending before the committee, and upon the request of any two members of the committee or subcommittee, the vote of each member on any other question, shall be recorded.")

76. Proxy Voting Prohibited; Votes Recorded After Roll Call—A member of a committee or council may not, under any circumstance, vote by proxy. Absent members may have recorded an indication of how they would have voted if present, but this shall not be counted on a roll call.

77. Quorum Required; Reports by Poll Prohibited—A committee or council may not file a report unless the committee or council has met at an authorized time and place, with a quorum present. A majority of the membership of the committee or council shall constitute a quorum. If any matter is reported on the basis of a poll, such matter shall be recommended by the Speaker or Chair to the committee or council upon a point of order.

78. Nature and Contents of Committee Reports—

(a) It shall be the duty of committees to report bills either favorably, favorably with (number of) committee amendment(s), favorably with committee substitute, or unfavorably, but never "without recommendation." Committees must also note on each bill reported favorably whether the vote was unanimous and whether the bill was recommended as "closed" in accordance with Rule 79. A motion to lay a bill "on the table" shall be construed as a motion to report the pending bill unfavorably.

(b) Each report of a committee must contain the action of the committee on the bill being transmitted, together with a Committee Information Record stating:

- (1) The time and place of the meeting at which the action was taken;
- (2) The name and address of each person addressing the committee relative to the measure and, if any agent, the interest represented; and
- (3) The vote of each member of the committee on the motion to report each bill.

(c) Each report by a committee shall set forth the identifying number of the bill, and, if amendments are proposed by the committee, the words "with (number of) amendment(s)" shall follow the identifying number. For the purpose of documentation, committees shall retain copies of committee reports and amendments adopted, rejected, or withdrawn, with the committee action noted thereon. After the committee report has been filed with the Clerk as provided in these Rules, the Clerk shall preserve the Committee Information Record for the convenient inspection by the public during the legislative session.

79. Recommendation for Reporting Closed Bills—

(a) The first substantive committee considering a bill may, by majority vote and with the approval of the bill's first-named sponsor,

recommend a bill as "closed." If the council ranking the bill agrees, by majority vote, with the substantive committee's recommendation to close the bill, the council shall mark the bill in its ranking report as recommended for closure. If the Committee on Rules & Calendar agrees, by a two-thirds vote of the Members present and voting, with the council's recommendation, no amendments shall be considered on the House floor to such bill except amendments recommended by a committee or technical amendments recommended by the Committee on Rules & Calendar. No recommendation for closure or sponsor approval of such a recommendation may be withdrawn, and no other committee of reference may take any action to close a bill or to rescind a closure recommendation. A closure recommendation for a bill shall be carried forward with each committee substitute for that bill.

(b) Neither a Senate bill nor a House bill returning from the Senate with further action required may be closed.

80. Fiscal Analysis—All general bills affecting revenues, expenditures, or fiscal liability shall be accompanied by a fiscal analysis upon being reported favorably by a fiscal standing committee. Fiscal analyses shall state in dollars the estimated increase or decrease in revenues or expenditures and the present and future fiscal implication of the bill. A fiscal analysis shall be regarded as a memorandum of factual information and may be included within the body of the bill research & economic impact statement that accompanies the bill, which statement shall be made available to Members. The fiscal analysis portion of the bill research & economic impact statement shall not express comment or opinion relative to the merits of the legislation proposed, but should point out technical or mechanical defects. If any bill of this nature is reported favorably by any fiscal standing committee without a fiscal analysis having been prepared or a statement that the bill has no effect on revenues, expenditures, or fiscal liability, it shall be the right of any Member to raise a point of order on second reading and the Speaker may, in the Speaker's discretion, order return of the bill to the appropriate fiscal committee. The accuracy of a fiscal analysis shall not be a basis for a point of order under these Rules. A fiscal analysis prepared for a House bill may be presumed as prepared also for its Senate companion.

81. Where Reports Are Delivered—Committee reports, whether favorable or unfavorable, shall be delivered to the Clerk at a designated place in the office of the Clerk no later than 12:00 noon of a legislative day. Reports delivered after 12:00 noon shall be considered delivered on the next legislative day. The original bill or bills shall accompany the report.

82. How Reports Are Authenticated—A committee or council report shall be signed by the Chair or, in the Chair's absence, the Vice Chair of the committee or temporary presiding officer of the committee or council, as applicable, using forms prescribed by the Clerk.

83. Journal Entry—As bills are reported, the identifying number of a bill, together with the action of the committee, whether favorable, unfavorable, favorable with (number of) amendment(s), or favorable with substitute, shall be entered in the Journal. Such entry shall also indicate when a bill reported favorably was by unanimous vote and when a bill has been recommended as "closed" in accordance with Rule 79.

84. Committee Amendments—

(a) Amendments recommended by committees must be produced on the legislative computer on the prescribed forms in accordance with the requirements of the Clerk and securely affixed to the bill.

(b) Committees may only consider amendments presented in final written form prior to adoption.

(c) Every Member may offer amendments to bills being considered by any committee of the House. If not appointed to the committee, a Member who offers an amendment must comply with the amendment filing deadline and must be present at the meeting. If such Member is not present, the amendment may still be considered, but only if taken up and offered by a Member who is appointed to the committee.

(d) During the first 45 calendar days of a regular session, the filing deadline for amendments to be offered in a committee by nonappointed Members shall be 5:00 p.m., 1 day (excluding Saturday and Sunday) in advance of the committee meeting. After the 45th day and during any extended or special session, such amendments shall be filed 2 hours before the committee meeting. Amendments introduced by committee members, including ex officio members, shall not be subject to these filing deadlines and may be offered at any time during consideration of a bill.

(e) Amendments adopted by all committees of reference (except those incorporated in a committee substitute) shall accompany a bill when filed with the Clerk. No committee shall physically remove from the jacket an amendment adopted by a prior committee, and no amendment of a committee may be subject to a negative roll call of another committee. Instead, there may be adopted nullifying or amendatory language by a subsequent committee of reference by way of an amendment to the amendment or a substitute amendment.

#### 85. Committee Substitutes—

(a) A committee, in reporting a bill, may draft a new, substitute bill embracing the same general subject matter, to be returned to the Clerk in the same manner as the favorable reporting of any other bill. A committee may also combine two or more bills into such a substitute bill. The substitute bill, signed by the Chair or, in the Chair's absence, the Vice Chair or temporary presiding officer, shall carry the identifying number of each original bill and shall be returned to the Clerk in the same form as required for introduction of a bill. Upon the filing of such report, the original bill or bills shall be laid on the table of the House. Any other committee of reference, retained or assigned under Rule 113, shall direct its attention to the substitute bill. Each sponsor of the original bill or bills shall be shown by the committee administrative assistant as a cosponsor of the substitute unless such sponsor notifies the committee administrative assistant in writing that he or she wishes to withdraw as a cosponsor. If every sponsor of the original bill or bills requests to withdraw as a cosponsor, the committee substitute shall not be delivered to or accepted by the Clerk for introduction, unless another Member consents to designation as a cosponsor, and the original bill or bills shall be reported "unfavorably" in accordance with Rule 78.

(b) Publication in the Journal of a committee substitute title with sponsors shall constitute first reading in the same manner as Introduction and Reference.

86. Committee Bills; Designation of Cosponsors—A bill introduced by a committee shall be accompanied by a Committee Information Record. A committee, in introducing a committee bill, shall designate a member of the committee as cosponsor, with the approval of such member, and may designate other members of the committee as cosponsors, with their approval. The bill shall be shown by the Clerk as having been introduced by the committee and the Member or Members so designated. If no Member consents to designation as a cosponsor, the bill may not be delivered to or accepted by the Clerk for introduction.

#### 87. Conference Committee Membership; Procedures—

(a) The Speaker shall appoint all House managers for conference committees. The Speaker shall determine the number as need appears and shall appoint no less than a majority who generally supported the House position as determined by the Speaker.

(b) Meetings of conference committees shall be open to the public at all times, subject always to the authority of the Chair or, in the Chair's absence, the Vice Chair to maintain order and decorum.

(c) All actions taken in conference committees shall be by motion.

(d) The Chair or, in the Chair's absence, the Vice Chair of any conference committee shall give prior notice as soon as practicable of intention to meet. A notice shall state the date, time, and place of meeting and be posted on the door of the committee managing the conference for the House at least 2 hours prior to the time of the meeting.

88. Composition of Conference Committee—A conference committee shall consist of managers from each house. The conference committee shall select one of its members to preside. A conference committee report shall require the affirmative votes of a majority of the managers from each house. The report shall be accompanied by the original bill.

#### 89. Presentation of Conference Committee Report—

(a) The receiving of conference committee reports shall always be in order, except when the House is voting on any proposition. When a conference committee report is presented to the House, the sequence shall be:

(1) The vote first shall be on whether the report shall be considered at that moment.

(2) The next vote shall be on acceptance or rejection of the report as an entirety. The report must be acted upon as a whole, being agreed to or disagreed to as an entirety.

(3) The final vote shall be a roll call on the passage of the bill as amended by the report.

(b) If either paragraph (a)(2) or paragraph (a)(3) fails, the report shall be automatically recommitted to the conference committee. If a motion to reconsider is made, the vote first would be on paragraph (a)(2) and then on paragraph (a)(3).

#### 90. Form of Conference Committee Report—

(a) When a conference committee has redrafted a bill, the committee shall report an amendment striking everything after the enacting clause, together with an appropriate title amendment if needed.

(b) Each conference committee report must be accompanied by a statement, written or oral, sufficiently explicit to inform the House of the changes in the bill sent to conference.

#### 91. Time Restraints on Conference Committees—

(a) During the first 54 calendar days of a regular session, it shall be a motion of highest privilege either to discharge the House managers and appoint new House managers or to instruct the House managers after House and Senate managers have been appointed for 7 calendar days and have failed to report.

(b) During the last 6 calendar days of a regular session, it shall be a motion of highest privilege either to discharge the House managers and appoint new House managers or to instruct the House managers after House and Senate managers have been appointed for 36 hours and have failed to report.

92. When Managers Are Unable to Agree—When a conference committee is appointed in reference to any bill and the House managers report inability to agree, no action of the House taken prior to such appointment shall preclude further action by the House as the House may determine.

#### CHAPTER C. Oversight Responsibilities and Powers

93. Oversight Role—Standing and select committees shall have oversight responsibilities in order to assist the House in:

(a) Its analysis, appraisal, and evaluation of:

(1) The application, administration, execution, and effectiveness of the laws enacted by the Legislature; or

(2) Conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and

(b) Its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

#### 94. Oversight Powers—

(a) GENERAL POWERS.

(1) Each standing or select committee is authorized to invite public officials and employees and private individuals to appear before the committee for the purpose of submitting information to it.

(2) Each committee is authorized to maintain a continuous review of the work of the state agencies concerned with its subject area and the performance of the functions of government within each such subject area, and for this purpose to request reports from time to time, in such form as such committee shall designate, concerning the operation of any state agency and presenting any proposal or recommendation such agency may have with regard to existing laws or proposed legislation in its subject area.

(3) In order to carry out its duties, each standing or select committee is empowered with the right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any state agency.

(b) ISSUANCE OF SUBPOENA.

(1) In order to carry out its duties, each standing or select committee, whenever required, may issue subpoena with the approval of the Speaker and other necessary process to compel the attendance of witnesses before such committee or the taking of a deposition pursuant to these Rules. The Chair of the standing or select committee shall issue such process on behalf of the standing or select committee. The Chair or any other member of such committee may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before such committee for the purpose of testifying in any matter about which such committee may desire evidence.

(2) Each standing or select committee, whenever required, may also compel by subpoena duces tecum the production of any books, letters, or other documentary evidence it may desire to examine in reference to any matter before it. The Chair of the standing or select committee shall issue process on behalf of the standing or select committee.

(c) CONTEMPT PROCEEDINGS.

(1) Either house may punish by fine or imprisonment any person who is not a Member and who is guilty of disorderly or contemptuous conduct in its presence or of a refusal to obey its lawful summons.

(2) A person shall be deemed in contempt if the person:

a. Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

b. Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of such committee; or

c. Commits any other act or offense against such committee that, if committed against the Legislature or either house thereof, would constitute contempt.

(3) A standing or select committee may, by majority vote of all of its members, apply to the House for contempt citation. The application shall be considered as though the alleged contempt had been committed in or against the House itself. If such committee is meeting during the interim, its application shall be made to the circuit court pursuant to subsection (g).

(4) A person guilty of contempt under this Rule shall be fined not more than \$500 or imprisoned not more than 90 days or both, or shall be subject to such other punishment as the House may, in the exercise of its inherent powers, impose prior to and in lieu of the imposition of the aforementioned penalty.

(5) The sheriffs in the several counties shall make such service and execute all process or orders when required by standing or select committees. Sheriffs shall be paid as provided for in section 30.231, Florida Statutes.

(d) FALSE SWEARING. Whoever willfully affirms or swears falsely in regard to any material matter or thing before any standing or select committee is guilty of perjury in an official proceeding, which is a felony

of the third degree and shall be punished as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

(e) RIGHTS OF WITNESSES.

(1) All witnesses summoned before any standing or select committee shall receive reimbursement for travel expenses and per diem at the rates provided in section 112.061, Florida Statutes. However, the fact that such reimbursement is not tendered at the time the subpoena is served shall not excuse the witness from appearing as directed therein.

(2) Service of a subpoena requiring the attendance of a person at a meeting of a standing or select committee shall be made in the manner provided by law for the service of subpoenas in civil action at least 7 calendar days prior to the date of the meeting unless a shorter period of time is authorized by majority vote of all the members of such committee. If a shorter period of time is authorized, the persons subpoenaed shall be given reasonable notice of the meeting, consistent with the particular circumstances involved.

(3) Any person who is served with a subpoena to attend a meeting of any standing or select committee also shall be served with a general statement informing the person of the subject matter of such committee's investigation or inquiry and a notice that the person may be accompanied at the meeting by private counsel.

(4) Upon the request of any party and the approval of a majority of the standing or select committee, the Chair, or in the Chair's absence the Vice Chair, shall instruct all witnesses to leave the meeting room and retire to a designated place. The witness will be instructed by the Chair, or in the Chair's absence the Vice Chair, not to discuss the testimony of the witness or the testimony of any other person with anyone until the meeting has been adjourned and the witness has been discharged by the Chair. The witness shall be further instructed that if any person discusses or attempts to discuss the matter under investigation with the witness after receiving such instructions, the witness shall bring such matter to the attention of such committee. No member of such committee or representative thereof may discuss any matter or matters pertinent to the subject matter under investigation with any witness to be called before such committee from the time that these instructions are given until the meeting has been adjourned and the witness has been discharged by the Chair. Any person violating this Rule shall be in contempt of the Legislature.

(5) Any standing or select committee taking sworn testimony from witnesses as provided herein shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced, which record shall include rulings of the Chair, questions of such committee and its staff, the testimony or responses of witnesses, sworn written statements submitted to the committee, and such other matters as the committee or its Chair may direct.

(6) A witness at a meeting, upon advance request and at the witness's own expense, shall be furnished a certified transcript of the witness's testimony at the meeting.

(f) RIGHT OF OTHER PERSONS TO BE HEARD.

(1) Any person whose name is mentioned or who is otherwise identified during a meeting being conducted for the purpose of taking sworn testimony from witnesses of any standing or select committee and who, in the opinion of such committee, may be adversely affected thereby, may, upon the request of the person or upon the request of any member of such committee, appear personally before such committee and testify on the person's own behalf, or, with such committee's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the meeting. Any such witness, however, shall, prior to filing such statement, consent to answer questions from such committee regarding the contents of the statement.

(2) Upon the consent of a majority of the members present, a quorum having been established, any standing or select committee may permit any other person to appear and testify at a meeting or submit a sworn written statement of facts or other documentary evidence for

incorporation into the record. No request to appear, appearance, or submission shall limit in any way the committee's power of subpoena. Any such witness, however, shall, prior to filing such statement, consent to answer questions from any standing or select committee regarding the contents of the statement.

(g) ENFORCEMENT OF SUBPOENA OUT OF SESSION. If any witness fails to respond to the lawful subpoena of any standing or select committee at a time when the Legislature is not in session or, having responded, fails to answer all lawful inquiries or to turn over evidence that has been subpoenaed, such committee may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of the complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the possession of the witness that is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish such witness accordingly.

95. Conduct of Meetings of Investigative Committees—Each standing or select committee shall comply with the following procedures with respect to compelling attendance of witnesses, production of documents or evidence, and the conduct of meetings before such committee:

(a) If any standing or select committee fails in any material respect to comply with the requirements of this Rule, any person subject to subpoena or subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the meeting for which the subpoena was issued or, if present, to testify or produce evidence therein, and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(b) In addition, the following rules of procedure will be followed at all meetings of standing or select committees:

(1) A standing or select committee may exercise its powers during sessions of the Legislature and in the interim.

(2) A standing or select committee that conducts meetings for the purpose of taking sworn testimony from witnesses shall consist of not fewer than five members.

(3) A quorum of a standing or select committee that conducts meetings for the purpose of taking sworn testimony from witnesses shall consist of a majority of the total authorized membership.

(4) No action shall be taken by a standing or select committee at any meeting unless a quorum is present. Such committees may act by a majority vote of the members present at a meeting at which there is a quorum, unless the Rules or any law requires a greater number or proportion.

(5) Any standing or select committee, when conducting a meeting for the purpose of taking sworn testimony, shall give each member of the committee not less than 3 calendar days' written notice of any meeting to be held when the Legislature is in session and at least 7 calendar days' written notice of any meeting to be held when the Legislature is not in session. Such notices shall include a statement of the subject matter of the meeting.

(6) The presiding member at a meeting may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote, disobedience shall constitute contempt as defined in these Rules.

(7) Before or during a meeting, a witness or the witness's counsel may file with the standing or select committee, for incorporation into the record of the meeting, sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry. Any such witness, however, shall, prior to filing such statement, consent to answer questions from such committee regarding the contents of the statement.

(8) When the Chair of any committee determines that such procedure would expedite the inquiry or save expenses, the Chair, with the concurrence of the Speaker, may authorize the conduct of proceedings by depositions, interrogatories, or compulsory production of documents as provided in this Rule. These proceedings shall be in the nature of statements under oath taken by a state attorney. Counsel for a person under investigation may be allowed to attend such depositions at the discretion of the Chair. Participation by such counsel at the depositions may also be allowed at the discretion of the Chair. Any requests for attendance or participation should be addressed to the Chair. If the requests are denied, a person may appeal the Chair's ruling to the Speaker, but there shall be no stay of proceedings pending such appeal.

(c) When counsel for a person subject to deposition is allowed to participate in the proceedings under the guidelines of the committee, testimony or other evidence taken may be introduced before the committee regardless of whether the person or the person's counsel takes advantage of the opportunity.

(1) The Chair, with the concurrence of the Speaker, may authorize a lawyer for the committee to take depositions of witnesses before a court reporter or notary public of this state. The deposition notice and any subpoena used therewith may identify persons either by name or by job description, and such persons may be required to attend and give testimony pursuant to the guidelines of the committee.

(2) The Chair, with the concurrence of the Speaker, may authorize the issuance of interrogatories to be answered under oath, and these shall require the person to whom they are directed to appear before a notary public or court reporter and answer the questions under oath. These may be served by mail or by personal service and shall be answered under oath no later than 7 days from the date of mailing or 3 days from the date of personal service. Any interrogatory may require that a person to whom it is directed (identified by name or job description) return the interrogatory in the mail or have it available for delivery to the lawyer for the committee on a date certain.

(3) If any substantive or procedural question arises during any proceedings authorized by these Rules, the question shall be referred to the Chair of the committee or to any committee member designated by the Chair to pass on such questions. Communication shall be made with the Chair or any designated committee member by the most rapid available means, including telephone, and the resolution of such questions, including without limitation questions on the scope of the discovery, may be communicated by telephone. If any person is dissatisfied with such a decision, appeal may be made to the Speaker, but there shall be no stay of proceedings pending such appeal.

## VII. FLOOR PROCEDURE

### CHAPTER A. Privilege of the Floor

#### 96. Privilege of the Floor—

(a) Other than present Members of the House and of the Senate, the persons hereinafter named, and none other, shall be admitted during regular daily sessions to the Chamber of the House: the Governor, the Lieutenant Governor, Cabinet Members, Justices of the Supreme Court, Members of Congress, contestants in election cases during the pendency of their cases in the House, such persons as have, by name, received the thanks of the Legislature, former Governors, former Members of the Cabinet, former Members of the House and Senate who are not interested in any claim or directly in any bill pending before the Legislature, and such employees of the House as may be needed on public business, including such committee staff as shall be designated by committee Chairs and approved by the Speaker. Visiting dignitaries or official guests may be granted the privilege of the floor upon motion adopted by a majority of the House. Persons granted the privilege of the floor may not lobby the Members while the House is in session, unless by motion granted leave to address the House.

(b) When the House is in session, all persons in the House Chamber shall be dressed in proper business attire.

## CHAPTER B. Quorum and Attendance

97. Quorum—A majority of the membership of the House shall constitute a quorum to do business.

## 98. Leave of Absence—

(a) A Member may not be absent from the sessions of the House without approval from the Speaker as provided in Rule 21.

(b) Any Member granted a leave of absence due to a meeting of a committee or conference committee that has authority to meet while the House is in session shall be so noted in the Journal. It shall be the responsibility of the excused Member to advise the Clerk when leaving and returning to the Chamber.

## CHAPTER C. Speaking and Debate

99. Addressing the House—When a Member desires to speak or deliver any matter to the House, the Member shall rise and respectfully address the Speaker as “Mr. (or Madam) Speaker” and shall confine all remarks to the question under debate, avoiding personalities. Once recognized, a Member may speak from the Member’s desk or may, with the Speaker’s permission, speak from the well.

100. When Two Members Rise at Once—When two or more Members rise at once, the Speaker shall name the one who is to speak first. This decision shall be final and not open to debate or appeal.

101. Recognition—There shall be no appeal from the Speaker’s recognition, but the Speaker shall be governed by the Rules and usage in priority of entertaining motions from the floor. When a Member seeks recognition, the Speaker may ask, “For what purpose does the Member rise?” or “For what purpose does the Member seek recognition?”

102. Time for Debate, Interruption of a Member who Has the Floor; Right to Open and Close Debate; Informal Deferral for Absence—

(a) A Member may not speak more than once nor occupy more than 15 minutes in debate on any question. A Member who has the floor may not be interrupted by another Member for any purpose, save the privilege of the House, unless he or she consents to yield to the other Member. A Member desiring to interrupt another in debate should first address the Speaker for the permission of the Member speaking. The Speaker shall then ask the Member who has the floor if he or she wishes to yield, and then announce the decision of that Member. Whether to yield shall be entirely within the speaking Member’s discretion. However, this section shall not deprive the sponsor or mover of the right to close when the effect of an amendment or motion would be to kill the bill, amendment, or motion.

(b) The mover of any proposition, or the Member reporting any measure from a committee, or, in the absence of either of them, any other Member designated by such absentee, shall have the right to open and close the debate, and for this purpose may speak each time not more than 10 minutes, unless otherwise limited by majority vote of the House, notwithstanding the limitation in subsection (a).

(c) Whenever the Member who introduced a bill, or the Chair of the committee that reported it, is absent from the Chamber when the bill has been reached in the regular order on second or third reading, consideration shall be informally deferred until the Member’s or committee Chair’s return, unless another Member consents to offer the bill on behalf of the original Member or committee Chair. The bill shall retain its position on the Calendar during the same legislative day. The Member or committee Chair shall have the responsibility of making the motion for its subsequent consideration.

## 103. Limitation on Debate—

(a) When there is debate by the House, it shall be in order for a Member to move to limit debate and such motion shall be decided without debate, except that the sponsor or mover of the question under debate shall have 5 minutes within which to discuss the motion and may divide the allotted time with, or waive it in favor of, some other Member. If, by majority vote, the question is decided in the affirmative, debate

shall be limited to 20 minutes for each side, unless a greater time is stated in the motion, such time to be apportioned by the Speaker; however, the sponsor or mover shall have an additional 5 minutes within which to close the debate and may divide the allotted time with, or waive it in favor of, some other Member.

(b) Debate may not be disguised in the form of a question.

## CHAPTER D. Voting

104. Taking the Yeas and Nays—The Speaker shall declare all votes, but if any Member rises to doubt a vote, upon a showing of hands by five Members, the Speaker shall take the sense of the House by oral roll call or electronic roll call. When taking the yeas and nays on any question, the electronic roll-call system may be used, and when so used shall have the force and effect of a roll call taken as provided in these Rules. This system likewise may be used to determine the presence of a quorum. When the House is ready to vote upon a question requiring roll call, and the vote is by electronic roll call, the Speaker shall say, “The question now recurs on (designating the matter to be voted upon). The Clerk will unlock the machine and the House will proceed to vote.” When sufficient time has elapsed for each Member to vote, the Speaker shall ask, “Have all Members voted?” And after a short pause the Speaker shall say, “The Clerk will lock the machine and record the vote.” When the vote is completely recorded, the Speaker shall announce the result to the House, and the Clerk shall record the action upon the Journal.

105. Changing of Vote—After the result of a roll call has been announced, a Member may advise the Clerk of how the Member would have voted or of the Member’s wish to change the Member’s vote. The Clerk shall provide forms for the recording of these actions. When timely made, these requests shall be shown beneath the roll call in the Journal. Otherwise, the request shall be shown separately in the Journal. In no instance, other than by reason of an electronic or mechanical malfunction, shall the result of a voting machine roll call on any bill be changed.

106. No Member to Vote for Another Except by Request—No Member may vote for another Member except at the other Member’s request when absent from his or her seat but present elsewhere in the Chamber, nor may any person who is not a Member cast a vote for a Member. In no case shall a Member vote for another on a quorum call. Any Member who votes or attempts to vote for another Member in violation of this Rule may be punished in such a manner as the House may deem proper. Any person who is not a Member and who votes wrongfully in the place of a Member shall be excluded from the Chamber for the remainder of the session, in addition to such punishment as the House may deem proper.

107. Pairing—Pairing shall be permitted only upon the absence of a Member for good cause and shall be in writing and specifically state the bill or bills or questions upon which pairs are arranged. Before the vote, paired votes shall be filed in writing with the Clerk and be recorded in the Journal as an indication of how both the present and absent Member would have voted. Paired votes shall not be shown on roll calls. The present Member who pairs is not permitted to vote; however, if the present Member casts a vote, the pair is nullified.

108. Explanation of Vote—A Member may not explain his or her vote during a roll call, but may reduce his or her explanation to writing, in not more than 200 words, and upon filing with the Clerk, this explanation shall be spread upon the Journal.

## VIII. ORDER OF BUSINESS AND CALENDARS

## CHAPTER A. Order of Business

109. Daily Sessions—The House shall meet each legislative day at 9:30 a.m. or as stated in the motion adjourning the House on the prior legislative day on which the House met.

## 110. Daily Order of Business—

(a) When the House convenes on a new legislative day, the daily order of business shall be as follows:

1. Call to Order.
2. Prayer.
3. Roll Call.
4. Pledge of Allegiance.
5. Correction of the Journal.
6. Communications.
7. Messages from the Senate.
8. Reports of Councils and Standing Committees.
9. Reports of Select Committees.
10. Motions Relating to Committee References.
11. Matters on Reconsideration.
12. Bills and Joint Resolutions on Third Reading.
13. Special Orders.
14. Unfinished Business.
15. Introduction and Reference.

(b) During special sessions, the order of business of Introduction and Reference shall be conducted immediately following the order of business of Correction of the Journal.

111. Consideration of Senate Messages: Generally—Senate messages shall be considered by the House upon review and approval by the Speaker.

#### CHAPTER B. Reference

##### 112. Reference: Generally—

(a) Bills, upon first reading, whether House or Senate, shall be referred by the Speaker either to committee or to the Calendar of the House. The order of reference shall be first to substantive committees and then to appropriate fiscal committees. If a bill is referred to more than one fiscal committee, the Speaker shall specify which shall first consider the bill.

(b) If a bill filed for the second regular session of a legislative term is substantively identical to a bill that passed the House, but not the Senate, at the first regular session of that legislative term, the House Bill Drafting Service shall provide a notation to that effect on the bill.

(c) References of bills and the nature of any documents referred shall be recorded in the Journal.

##### 113. Reference: Exception; Additional or New References—

(a) All bills, whether House or Senate, may be referred by the Speaker to the appropriate committees except for Senate bills with House companions. A Senate bill with a House companion may be paired with the companion House bill at whatever its stage of consideration, provided both bills are on the same reading.

(b) If a bill is reported with an amendment that contains, or is reported as a committee substitute that contains, an issue that was not in the original bill and that issue is within the jurisdiction of another committee, the Speaker may refer the bill or committee substitute to the other committee having jurisdiction over the additional subject and, if given an additional reference, such bill or committee substitute shall be considered by such committee prior to its consideration by any fiscal committee.

(c) Although a committee substitute for a single bill retains all other references of the original bill, a committee substitute for two or more bills shall have all other references of the original bills rescinded, and the Speaker shall make any subsequent references of the committee substitute, if needed.

114. Reference of Resolutions, Concurrent Resolutions: Exception—All resolutions shall be referred by the Speaker to the Committee on Rules & Calendar, except that resolutions on House organization and concurrent resolutions pertaining to extension of the session may be taken up upon motion and adopted at the time of introduction without reference. Concurrent resolutions of a substantive nature shall first be referred to an appropriate substantive committee.

115. Resolutions of Condolence, Commendation, or Commemoration Published in Journal—Upon favorable report by the Committee on Rules & Calendar, a resolution of condolence, commendation, or commemoration may be shown as introduced, read, and adopted by publication in full in the Journal. The Committee on Rules & Calendar shall periodically distribute a list of such resolutions at least 1 day prior to the day of their publication, during which time any Member may file an objection with the committee to any resolution listed. Each resolution for which an objection has been filed shall be removed from the list and placed on the Calendar of the House for ranking or further reference in the same manner as other ceremonial resolutions placed on the Calendar of the House are ranked or further referred. All resolutions without objections shall be printed on the next legislative day in the Journal and presumed adopted.

116. Reference of Local Bills and General Bills of Local Application—Local bills and general bills of local application shall be referred by the Speaker to the committee having general jurisdiction over local bills and, if a general bill of local application, to one other substantive standing or select committee for procedural and substantive review.

117. Reference of Appropriations or Tax Measures; General Appropriations and Implementing Bills—

(a) All bills carrying or affecting appropriations or mandating the expenditure of funds by county or city government, all claim bills, and all bills affecting tax matters, whether state or local, may be referred to the appropriate fiscal committee, in addition to substantive committee referrals. If the original bill did not affect an appropriation or a tax matter, and an amendment is adopted that calls for or affects an appropriation or a tax matter, then the bill with the amendment may, upon the recommendation of the Chair of the Fiscal Responsibility Council and at the Speaker's discretion, be referred to the appropriate fiscal committee. The bill, if then reported favorably without further amendment, shall be returned to the same reading as when referred. If further amendments are recommended by committee, the bill shall be returned to second reading.

(b) The General Appropriations Committee shall consider the General Appropriations Bills and implementing bills proposed by the other appropriations committees within the Fiscal Responsibility Council and, after consideration and amendment, may combine such proposed committee bills into a single General Appropriations Bill and a single implementing bill, which shall be reported to the Clerk.

#### CHAPTER C. Readings

118. Reading of Bills and Joint Resolutions—Each bill or joint resolution shall receive three readings on 3 separate days previous to a vote upon final passage unless two-thirds of the Members decide otherwise. (Florida Constitution, Article III, Section 7, in part: "Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote; provided the publication of its title in the journal of a house shall satisfy the requirement for the first reading in that house. On each reading, it shall be read by title only, unless one-third of the members present desire it read in full.") "Reading" means the stage of consideration of a bill or joint resolution after reading of a portion of the title sufficient for identification, as determined by the Speaker.

119. Reading of Concurrent Resolutions and Memorials—Concurrent resolutions and memorials shall receive two readings on 2 separate days previous to a voice vote upon adoption, except that concurrent resolutions extending a legislative session may be read twice without motion on the same legislative day.



120. Reading of House Resolutions—Each House resolution shall receive two readings by title only previous to a voice vote upon adoption, except that resolutions of condolence, commendation, or commemoration may be shown as introduced, read, and adopted by publication in full in the Journal in accordance with Rule 115.

121. Measures on Third Reading—

(a) Bills on third reading shall be taken up in the order in which the House concluded action on them on second reading.

(b) Before any bill shall be read the third time, whether amended or not, it shall be referred without motion to the Engrossing Clerk for examination and, if amended, the engrossing of amendments. In the case of any Senate bill amended in the House, the amendment adopted shall be reproduced and attached to the bill amended in such manner that it will not be lost therefrom.

(c) A bill shall be deemed on its third reading when it has been read a second time on a previous day and has no motion left pending.

#### CHAPTER D. Calendars

122. Special Orders—Business brought before the House under special orders shall be by means of the following calendars:

(a) Special Order Calendar, on which shall appear only bills placed there by the Committee on Rules & Calendar as provided by these Rules.

(b) General Calendar, on which shall appear only bills arranged by date of placement on the General Calendar that have passed all committees of reference unanimously, that have been introduced unanimously by a committee and received no further reference, or that have been authorized as provided under Rule 130.

(c) Trust Fund Calendar, on which shall appear only bills that re-create trust funds.

(d) Local Calendar, on which shall appear only bills of a local nature.

(e) Ceremonial Resolutions Calendar, on which shall appear resolutions whose sole intent is to congratulate, commend, recognize, console, or otherwise express concern or commendations as set by the Committee on Rules & Calendar.

123. Placement of Bills on General Calendar—A bill that receives a unanimously favorable report with or without amendments from all committees to which it has been referred or a bill that is introduced unanimously by a committee and receives no further reference shall, at an appropriate time determined by the Committee on Rules & Calendar, be placed on the General Calendar by the Clerk and shall remain pending for 2 days, excluding Saturday and Sunday. If no Member files an objection with the Clerk before the expiration of the 2 days, the bill shall be placed on the General Calendar and shall be available for consideration when scheduled by the Committee on Rules & Calendar. An objection filed with the Clerk may not be withdrawn after expiration of the 2-day objection period.

124. Consideration of Ceremonial Resolutions Calendars—The Committee on Rules & Calendar shall prepare and distribute to each Member a printed Ceremonial Resolutions Calendar at least 1 day in advance of consideration. No ceremonial resolution may be placed on a Ceremonial Resolutions Calendar for consideration by the House unless favorably reported by the Committee on Rules & Calendar. If the Committee on Rules & Calendar finds a resolution inappropriate for placement on a Ceremonial Resolutions Calendar, the Speaker shall be so advised and shall refer the measure to the appropriate committee for consideration. A Ceremonial Resolutions Calendar shall contain the resolution number, the sponsor's name, and a brief description of the title of the resolution. Once a printed Ceremonial Resolutions Calendar is distributed, no additional resolutions may be added to it.

125. Consideration of Local, Trust Fund, and General Calendars—

(a) During any regular session, the Committee on Rules & Calendar shall prepare and distribute to each Member a printed Local, Trust Fund, or General Calendar at least 1 day in advance of consideration.

(b) During any extended or special session, the Committee on Rules & Calendar shall prepare and distribute to each Member a printed Local, Trust Fund, or General Calendar at least 6 hours in advance of consideration.

(c) Once a printed Local, Trust Fund, or General Calendar is distributed, no additional bills may be added to it.

126. Procedure for Consideration of Local, Trust Fund, General, and Ceremonial Resolutions Calendars—During the consideration of Local, Trust Fund, General, and Ceremonial Resolutions Calendars, the following procedures shall be observed:

(a) GENERAL CALENDAR.

(1) The Speaker shall allow not more than 3 minutes on each reading for the consideration of a bill on a General Calendar; however, any time taken to adopt amendments recommended by committee or technical amendments by the Committee on Rules & Calendar does not count against the 3-minute time limit. Any bill on a General Calendar may be contested prior to the conclusion of second reading, either formally or by exceeding the time limit for consideration; however, upon third reading, such a bill may not be contested and the time limit shall bring final passage of the bill to a vote.

(2) If any bill on a General Calendar is contested on the floor of the House prior to the conclusion of second reading, whether formally or by exceeding the time limit for consideration, the bill shall be removed from the pending calendar and placed on the Calendar of the House. Any bill on such a calendar shall be considered contested if, during consideration thereof prior to the conclusion of second reading, notice is given by five or more Members indicating that they intend to oppose the bill, either by a raising of hands or by the delivery of written notice of contest to the Chair of the Committee on Rules & Calendar. In addition, any bill on such a calendar on which second reading has not been concluded shall be considered contested if debate exceeds 3 minutes. The Speaker shall strictly enforce this time limit.

(b) LOCAL, TRUST FUND, AND CEREMONIAL RESOLUTIONS CALENDARS.

(1) If any bill or resolution on a Local, Trust Fund, or Ceremonial Resolutions Calendar is to be contested on the floor of the House, the Speaker shall cause the bill to be removed from the pending Calendar and placed on the Calendar of the House. Any bill or resolution on such a calendar shall be considered contested if, during consideration thereof, notice is given by five or more Members indicating that they intend to oppose the bill, either by a raising of hands or by the delivery of written notice of contest to the Chair of the Committee on Rules & Calendar.

(2) Any bill on the Local Calendar that fails to meet the requirements of Rule 44 shall be removed from the pending Local Calendar and placed on the Calendar of the House.

127. Special Order Calendar—

(a) REGULAR SESSION.

(1) The Committee on Rules & Calendar may draw from bills on any calendar or council ranking report for placement on a Special Order Calendar. When preparing a Special Order Calendar for submission to the House, the Committee on Rules & Calendar shall consider the council ranking reports submitted to it.

(2) The Committee on Rules & Calendar shall periodically submit, as needed, a Special Order Calendar determining the priority for consideration of legislation. Any amendment of a report proposing a Special Order Calendar requires a two-thirds vote of the Members present and voting. Upon adoption of a Special Order Calendar, no other bills shall be considered for the time period set forth for that Special Order Calendar, except that any bill appearing on that Special Order Calendar may be stricken from it by a two-thirds vote of the Members present and voting or any bill may be added to it pursuant to Rule 128. A previously adopted Special Order Calendar shall expire upon adoption by the House of a new Special Order Calendar.

(3) During the first 45 calendar days of a regular session, the Committee on Rules & Calendar shall publish the Special Order Calendar in two Calendars of the House, and it may be taken up on the day of the second published calendar. After the 45th calendar day of a regular session, the Committee on Rules & Calendar shall publish the Special Order Calendar no later than 24 hours prior to its presentation to the House.

(b) EXTENDED AND SPECIAL SESSIONS.

(1) If the Legislature extends a legislative session, all bills on the Calendar at the time of expiration of the regular session shall be placed in the Committee on Rules & Calendar.

(2) During any extended or special session, all bills upon being reported favorably by the last committee of reference shall be placed in the Committee on Rules & Calendar.

(3) During any extended or special session, the Committee on Rules & Calendar shall establish a Special Order Calendar and only those bills on such Special Order Calendar shall be placed on the Calendar of the House.

(4) During any extended or special session, the Committee on Rules & Calendar shall publish the Special Order Calendar no later than 2 hours prior to its presentation to the House.

128. Consideration of Bills Out of Regular Order—A bill not included on the Special Order Calendar may be considered by the House upon two-thirds vote of the Members present and voting.

129. Requirements for Placement on a Calendar—No measure may be placed on a calendar until it has been reported favorably by each committee of reference. All bills, resolutions, and memorials, on being reported from the last committee of reference, shall be placed before the appropriate council for ranking except for resolutions to be adopted, without objection, by publication in the Journal as provided in Rule 115 or bills or resolutions placed on a Local, Trust Fund, General, or Ceremonial Resolutions Calendar for consideration as provided in Rules 124, 125, and 126.

130. Request for Placement on Local, Trust Fund, General, or Ceremonial Resolutions Calendar—Except as provided in Rule 123, no bill or resolution may be considered for placement on a Local, Trust Fund, General, or Ceremonial Resolutions Calendar unless a request for that placement has been made to and approved by the Chair of the committee from which the bill or resolution was first reported. The recommendation of such Chair shall be advisory only, and the Committee on Rules & Calendar shall have final authority to determine whether a bill or resolution shall be placed on a Local, Trust Fund, General, or Ceremonial Resolutions Calendar. If the Committee on Rules & Calendar determines that a bill or resolution is not appropriate for placement on a Local, Trust Fund, General, or Ceremonial Resolutions Calendar, the measure shall be ranked in accordance with Rule 59.

CHAPTER E. Consideration Limits

131. Consideration Limits to Bills After Day 55—After the 55th calendar day of a regular session, no House bills on second reading may be taken up and considered by the House.

132. Consideration Limits After Day 58—After the 58th calendar day of a regular session, the House may consider only:

- (a) Senate Messages.
- (b) Conference Reports.
- (c) Concurrent Resolutions.

IX. PARLIAMENTARY PROCEDURE

133. Motions: How Made—Every motion shall be made orally, except when requested by the Speaker to be reduced to writing as specified in Rule 149.

134. Precedence of Motions During Debate—When a question is under debate, the Speaker shall receive no motion except:

- (a) To adjourn at a time certain;
- (b) To adjourn;
- (c) To recess to a time certain;
- (d) To lay on the table;
- (e) To reconsider;
- (f) For the previous question;
- (g) To limit debate;
- (h) To temporarily postpone;
- (i) To postpone to a time or day certain;
- (j) To refer to or to recommit to committee;
- (k) To amend;
- (l) To postpone indefinitely; and
- (m) To amend by striking out the enacting or resolving clause;

which several motions shall have precedence in the descending order given.

135. Questions of Order Decided Without Debate—All procedural questions of order, arising after a motion is made for any of the motions named in Rule 134 and pending that motion, shall be decided by the Speaker without debate, whether on appeal or otherwise; however, the Speaker may ask the House for comment.

136. Division of Question—Any Member 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.

137. Motion to Recess to a Time Certain—A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that the motion is debatable when no business is before the House and can be amended as to the time to recess and duration of the recess. It yields only to a motion to adjourn.

138. Motion to Lay on the Table—A motion to lay on the table is not debatable and cannot be amended; however, before the motion is put, the sponsor of a bill or debatable motion shall be allowed 5 minutes within which to discuss the same and may divide the time with, or waive this right in favor of, some other Member. A motion to table a main question requires a majority vote. A motion to lay an amendment on the table, if adopted, does not carry with it the measure to which it adheres. A motion to lay an amendment on the table may be adopted by a majority vote.

139. Motion to Reconsider—

(a) When a motion or main question has been made and carried or lost, it shall be in order at any time as a matter of right on the same or succeeding legislative day for a Member voting with the prevailing side, or for any Member in the case of a voice or tie vote, to move for reconsideration thereof. When a majority of Members vote in the affirmative but the proposition is lost because it is one in which the concurrence of a greater number than a majority is necessary for adoption or passage, any Member may move for a reconsideration. No bill referred or recommitted to a committee, by a vote of the House, shall be brought back into the House on a motion to reconsider. The motion to reconsider shall require a majority vote for its adoption, and such motion shall not be renewed on any proposition, after once being considered by vote of the House, except by unanimous consent. Debate shall be allowed on a motion to reconsider only when the question that it is proposed to reconsider is debatable. When debate upon a motion to reconsider is in order, no Member shall speak thereon more than once nor for more than 5 minutes. The adoption of a motion to reconsider a

vote upon any secondary matter shall not remove the main subject under consideration from consideration of the House. A motion to reconsider a collateral matter must be disposed of at once 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 House has passed to other business.

(b) The Clerk shall retain possession of all bills and joint resolutions for the period after passage during which reconsideration may be moved; however, during the last 14 calendar days allowed under the Florida Constitution for a regular session and during any extensions thereof, or during any special session, these shall be transmitted to the Senate forthwith.

(c) The adoption of a motion to suspend the Rules and immediately certify any bill to the Senate shall be construed as releasing the measure from the Clerk's possession for the period of reconsideration. Local bills, concurrent resolutions, and memorials shall be transmitted to the Senate without delay. Messages relating to procedural motions, to House action on Senate amendments, or to conference committee reports shall be transmitted forthwith.

#### 140. Motion for the Previous Question—

(a) The previous question may be asked and ordered upon any debatable single motion, series of motions, or amendment pending, and the effect thereof shall be to conclude all action on the same day. If third reading is reached on another day, the order for the previous question must be renewed on that day.

(b) The motion for the previous question shall be decided without debate. If the motion prevails, the sponsor of a bill or debatable motion and an opponent shall be allowed 3 minutes each within which to discuss the same, and each may divide the time with, or waive this right in favor of, some other Member. The motion for the previous question shall be put in the following form: "Shall the main question be now put?"

(c) If the motion for the previous question is adopted, the sense of the House shall be taken forthwith on pending amendments and the main question in the regular order. If amendments have been adopted, the regular order shall include adoption of title amendments.

(d) The motion for the previous question may not be made by the sponsor or mover.

141. Motion to Temporarily Postpone—The motion to temporarily postpone shall be decided without debate and shall cause a measure to be set aside but retained on the desk. If a main question has been temporarily postponed after having been debated or after motions have been applied and is not brought back before the House on the same legislative day, it shall be placed in unfinished business on the Calendar of the House. If a main question is temporarily postponed before debate has commenced or motions have been applied, its reading shall be considered a nullity and the bill shall retain its original position on the order of business. The motion to return to consideration of a temporarily postponed main question shall be made under the proper order of business when no other matter is pending. If applied to a collateral matter, the motion to temporarily postpone shall not cause the main question to be carried with it. After having been temporarily postponed, if a collateral matter is not brought back before the House in the course of consideration of the adhering or main question, it shall be deemed abandoned.

#### 142. Motion to Amend—

(a) Amendments shall be stored on the legislative computer in a format approved by the Clerk.

(b) Title amendments, if required, may be set forth on the same form below the body of an amendment.

(c) The sponsor of an amendment shall file with the Clerk a printed original of the amendment, which shall be free of interlineations and which shall include as a part of its original printed text the name of the sponsor, the bill number, and the page and line to be amended. Amendment cosponsors may be added on forms provided by the Clerk.

(d) Amendments shall be taken up only as sponsors gain recognition from the Speaker to move their adoption, except that the Chair of the committee (or, in the absence of the Chair, the Vice Chair or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments.

(e) Upon motion, committee amendments may be adopted en bloc.

(f) 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.

(g) For the purpose of this Rule, an amendment shall be deemed pending only after its proposer has been recognized by the Speaker and has moved its adoption.

(h) During the first 45 calendar days of a regular session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form prior to 3:00 p.m. of the day, excluding Saturday and Sunday, preceding the daily session at which the sponsor seeks to offer the amendment, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 5:00 p.m. of the day, excluding Saturday and Sunday, preceding the daily session at which the sponsor seeks to offer the main amendment. After the 45th calendar day of a regular session or during any extended or special session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form at least 1 hour prior to the daily session at which the sponsor seeks to offer the amendment, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 30 minutes prior to the daily session at which the sponsor seeks to offer the main amendment. By a majority vote, the time limitation for filing any amendment may be waived.

(i) A motion to amend is in order during the second or third reading of any bill. Amendments proposed on third reading shall require a two-thirds vote of the Members present and voting for adoption, except that technical amendments introduced in the name of the Committee on Rules & Calendar shall require a majority vote for adoption.

(j) Whenever an amendment is offered to a General Appropriations Bill that would increase any line item of such bill, such amendment shall show the amount by line item of the increase and shall, from within the jurisdiction of the same fiscal standing committee, decrease a line item or items in an amount or amounts equivalent to or greater than the increase required by the amendment. Any floor amendment to the General Appropriations Bill that proposes to move spending authority between sections of the bill shall require a two-thirds vote of the Members present and voting.

(k) After the reading of a Senate amendment to a House bill, the following motions shall be in order and shall be privileged in the order named:

(1) Amend the Senate amendment by a concurrence of the majority required for the final passage of the bill.

(2) Concur in the Senate amendment by a concurrence of the same majority required for the final passage of the bill.

(3) Refuse by the majority of the required quorum to concur and ask the Senate to recede.

(4) Request the Senate to recede and, failing to do so, to appoint a conference committee to meet with a like committee appointed by the Speaker.

(l) If the Senate refuses to concur in a House amendment to a Senate bill, the following motions shall be in order and shall be privileged in the order named:

- (1) That the House recede.
- (2) That the House insist and ask for a conference committee.
- (3) That the House insist.

(m) The Speaker may, upon determining that a Senate amendment substantially changes the bill as passed by the House, refer the Senate message, with the bill and Senate amendment or amendments, to the appropriate House committee or committees for review and report to the House. The Speaker, upon such reference, shall announce the date and time for the committee or committees to meet. The committee or committees shall report to the House the recommendation for disposition of the Senate amendment or amendments under one of the four options presented in subsection (k). The report shall be given to the House, in writing, by the Chair of the reporting committee.

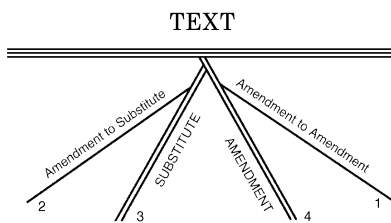
(n) A motion for reconsideration of an amendment on third reading requires a two-thirds vote of the Members present and voting for adoption.

(o) Except for amendments recommended by committees and technical amendments by the Committee on Rules & Calendar, no amendments to bills on the General Calendar may be considered.

143. Motion to Amend by Striking Out Enacting or Resolving Clause—An amendment to strike out the enacting clause of a bill or the resolving clause of a resolution or memorial shall, if carried, be considered as equivalent to rejection of the bill, resolution, or memorial by the House.

144. Sequence of Amendments to Amendments—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:

- (1) Amendments to the amendment are voted on before the substitute is taken up. Only one amendment to the amendment is in order at a time.
- (2) Amendments to the substitute are next voted on.
- (3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment of the bill itself.



#### 145. Germanity of House Amendments—

(a) The House shall not consider an amendment that relates to a different subject or is intended to accomplish a different purpose than that of the pending question or that, if adopted and passed, would require a title amendment for the proposal that is substantially different from the proposal's original title or that would unreasonably alter the nature of the proposal.

(b) The Speaker shall rule on the admissibility of any amendment when the question of germanity is timely raised.

(c) House amendments that are not germane include:

- (1) A general proposition amending a specific proposition.
- (2) An amendment amending a statute or session law when the purpose of the bill is limited to repealing such law, or an amendment repealing a statute or session law when the purpose of the bill is limited to amending such law.

(3) An amendment that substantially expands the scope of the bill.

(4) An amendment to a bill when legislative action on that bill is by law or these Rules limited to passage, concurrence, indefinite postponement, or nonconcurrence as introduced.

(d) Amendments that are germane include:

- (1) A specific provision amending a general provision.
- (2) An amendment that accomplishes the same purpose in a different manner.
- (3) An amendment limiting the scope of the proposal.
- (4) An amendment providing appropriations necessary to fulfill the original intent of a proposal.
- (5) An amendment relating only to clarification of details.
- (6) An amendment that changes the effective date of a repeal, reduces the scope of a repeal, or adds a short-term nonstatutory transitional provision to facilitate repeal.
- (e) An amendment of the second degree or a substitute amendment must be germane to both the main amendment and the measure to which it adheres.

146. Amendments Out of Order—An amendment is out of order if it is the principal substance of a bill that has received an unfavorable committee report, has been withdrawn from further consideration by the sponsor, or has not been reported favorably by all committees of reference and may not be offered to a bill on the Calendar and under consideration by the House. Any amendment that is substantially the same, and identical as to specific intent and purpose, as the measure residing in the committee or committees of reference is covered by this Rule.

147. Motion to Postpone Indefinitely—Motions to postpone indefinitely shall be applicable only to a main question. The adoption of a motion to postpone a bill indefinitely shall dispose of such bill for the duration of the legislative session and all extensions thereof. Any motion to postpone consideration to a time beyond the last day allowed under the Florida Constitution for the current legislative session shall be construed as a motion to postpone indefinitely.

148. Dilatory Motions—No dilatory or delaying motions shall be entertained by the Speaker.

149. Motions in Writing—Upon request of the Speaker, all motions shall be reduced to writing and shall be read to the House by the Speaker before being acted upon.

150. Withdrawal of Motions—After a motion is stated by the Speaker, or a bill or petition is read by the Clerk, it is in the possession of the House and may not be withdrawn without leave. The mover may withdraw a motion at any time before it has been amended or a vote on it has commenced, except that a motion to reconsider may be withdrawn only on the day made.

#### 151. Motions to Withdraw or Refer Bills—

(a) Any Member may, no later than under the order of business of Motions Relating to Committee References on the legislative day following reference of a bill, move for reference from one committee to a different committee, which shall be decided by a majority vote.

(b) A motion to withdraw a bill from committee, or to refer a bill from one committee to another committee other than as provided in subsection (a), may be made during the regular order of business and shall require an affirmative vote of two-thirds of the Members present and voting.

(c) A motion to refer a bill to an additional committee may be made during the regular order of business and shall require an affirmative vote of two-thirds of the Members present and voting.

(d) A motion to refer shall be debated only as to the propriety of the reference.

(e) A motion to withdraw a bill from further consideration of the House shall require an affirmative vote of two-thirds of the Members present and voting. However, the first-named sponsor of a bill may, prior to its introduction, withdraw the bill by letter to the Clerk.

#### 152. Motion to Recommit—

(a) After a committee report on a bill has been received by the Clerk, the bill may not be recommitted by the House to any committee except by a majority vote.

(b) A motion to recommit to committee a bill that is before the House may be made during the regular order of business. The motion shall be debatable only as to the propriety of that reference and shall require an affirmative majority vote.

(c) Upon the third reading of any bill, it may not be committed to any committee, except to the appropriate fiscal committee as provided elsewhere in these Rules.

### X. GENERAL PROVISIONS

#### CHAPTER A. Public Records

153. Legislative Records—There shall be available for public inspection, whether maintained in Tallahassee or in a district office, the papers and records developed and received in connection with official legislative business, except as provided in section 11.0431, Florida Statutes, or other provision of law.

154. Legislative Records: Maintenance, Control, Destruction, Disposal, and Disposition—

(a) Records that are required to be created by these Rules or that are of vital, permanent, or archival value shall be maintained in a safe location that is easily accessible for convenient use. No such record need be maintained if the substance of the record is published or retained in another form or location. Whenever necessary, but no more often than annually nor less often than biennially, records required to be maintained may be transferred to the Legislative Library Service of the Division of Library and Information Services of the Department of State for retention in accordance with law.

(b) Other records that are no longer needed for any purpose and that do not have sufficient administrative, legal, or fiscal significance to warrant their retention shall be disposed of systematically.

(c)(1) The committee administrative assistant for each existing committee shall ensure compliance with this Rule for all records created or received by the committee or for a former committee whose jurisdiction has been assigned to the committee.

(2) The council administrative assistant for each existing council shall ensure compliance with this Rule for all records created or received by the council or for a former council whose jurisdiction has been assigned to the council.

(3) The Speaker, the Speaker pro tempore, the Minority Leader, the Majority Leader, and the Sergeant at Arms shall ensure compliance with this Rule for all records created or received by their respective offices and their predecessors in office.

(4) Each Member shall ensure compliance with this Rule for all records created or received by the Member or the Member's district office.

(5) The director of an ancillary House office shall ensure compliance with this Rule for all records created or received by the director's office.

(6) The Clerk shall ensure compliance with this Rule for all other records created or received by the House of Representatives.

(d) If a committee, council, or office is not continued in existence, the records of such committee, council, or office shall be forwarded to the committee, council, or office assuming the jurisdiction or responsibility of the former committee, council, or office, if any. Otherwise, such records shall be forwarded to the Clerk.

(e) The Clerk, with the approval of the Speaker, shall establish a schedule of reasonable and appropriate fees for copies of legislative records and documents; however, there shall be no charge for a single copy of any individual, separately obtained bill (other than a General Appropriations Bill) or a bill research & economic impact statement or other record required by these Rules to be created.

#### CHAPTER B. Distribution of Documents

155. Distribution of Documents—Documents required by these Rules to be printed or published may be produced and distributed on paper or in electronic form.

#### CHAPTER C. House Seal

#### 156. House Seal—

(a) REQUIREMENT. There shall be an official seal of the House of Representatives. The seal shall be used only by or on behalf of a Member or officer of the House or when specifically authorized in writing by the Committee on Rules & Calendar.

(b) CONFIGURATION. The seal shall be a circle, having, in the center thereof, a view of the sun's rays over a highland in the distance, a sabal palmetto palm tree, a steamboat on the water, and a Native American female scattering flowers in the foreground, encircled by the words "House of Representatives."

(c) USE. Unless a written exception is otherwise granted by the Speaker:

(1) Material carrying the official seal shall be used only by a Member, officer, or employee of the House or other persons employed or retained by the House.

(2) The use, printing, publication, or manufacture of the seal, or items or materials bearing the seal or a facsimile of the seal, shall be limited to official business of the House or official legislative business.

(d) CUSTODIAN. The Clerk shall be the custodian of the official seal.

### XI. RULES

157. Initial Adoption of Rules of the House—The initial adoption of the Rules of the House shall require a majority vote. Once adopted, the Rules of the House shall remain in effect, unless suspended or amended as provided in these Rules.

158. Suspension of Rules of the House—Any Rule of the House may be suspended by a two-thirds vote of the Members present and voting; however, the suspension shall apply only to the matter under immediate consideration and shall not extend beyond adjournment of a session day.

159. Amending Rules of the House—No Rule of the House may be amended except by a report or resolution from the Committee on Rules & Calendar adopted by the House by majority vote. A report or resolution of the Committee on Rules & Calendar proposing amendments to these Rules is always in order; however, any amendment of such a report or resolution prior to its adoption requires a two-thirds vote of the Members present and voting.

160. Parliamentary Authorities—In all cases not provided for by the Florida Constitution, the Rules of the House, or the Joint Rules of the Senate and House, the guiding, but nonbinding, authority shall be first the Rulings of the Speaker and then the latest edition of Mason's Manual of Legislative Procedure.

161. Majority Action—Unless otherwise indicated by these Rules, all action by the House or its committees or councils shall be by majority vote of those Members present and voting. When the body is equally divided, the question is lost.

162. "Days" Defined—Wherever used in these Rules, a "legislative" day means a day when the House convenes and a quorum is present. All other references to "days" mean "calendar" days.

## XII. DUE PROCESS PROCEDURES—COMPLAINTS

## CHAPTER A. Members and Officers of the House

## 163. Complaints of Violations of the Standards of Conduct By Members and Officers of the House; Procedure—

(a) **FILING OF COMPLAINTS.** The Chair of the Committee on Rules & Calendar shall receive and initially review allegations of improper conduct that may reflect upon the House, violations of law, violations of the House Code of Conduct, and violations of the Rules and regulations of the House relating to the conduct of individuals in the performance of their duties as Members or officers of the House. Complaints of improper conduct against the Chair of the Committee on Rules & Calendar shall be reviewed and managed by the Speaker or, if designated by the Speaker, the Speaker pro tempore.

(1) **Review of Complaints.** The Chair of the Committee on Rules & Calendar shall review each complaint submitted to the committee relating to the conduct of a Member or officer of the House.

(2) **Complaints.**

a. A complaint shall be in writing and under oath, setting forth in simple, concise statements the following:

1. The name and legal address of the party filing the complaint (complainant);

2. The name and position or title of the Member or officer of the House (respondent) alleged to be in violation of the House Code of Conduct or a law, rule, regulation, or other standard of conduct;

3. The nature of the alleged violation, based upon the personal knowledge of the complainant, including, if possible, the specific section of the House Code of Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated; and

4. The facts alleged to have given rise to the violation.

b. All documents in the possession of the complainant that are relevant to, and in support of, the allegations shall be attached to the complaint.

(3) **Processing Complaint and Preliminary Findings.**

a. Upon the filing of a complaint, the Chair shall, within 5 working days, notify the Member or officer against whom the complaint has been filed and give such person a copy of the complaint. Within 20 days, the Chair shall take the necessary actions as provided in subparagraphs b.-g.

b. The Chair shall examine each complaint for jurisdiction and for compliance with paragraph (a)(2).

c. If the Chair determines that a complaint does not comply with such Rule, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such Rule and with a copy of the Rule. A complainant may resubmit a complaint provided such complaint is resubmitted prior to the expiration of the time limitation set forth in subsection (o).

d. If the Chair determines that the verified complaint does not allege facts sufficient to constitute a violation of any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

e. If the Chair determines that the complaint is outside the jurisdiction of the House, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

f. If the Chair determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Chair may attempt to correct or prevent such a violation by informal means.

g. If the Chair determines that such a complaint does allege facts sufficient to constitute a violation of any of the provisions of the House

Code of Conduct, or a law, rule, regulation, or other standard of conduct, and that the complaint is not de minimis in nature, the Chair shall, within 20 days, transmit a copy of the complaint to the Speaker and, in writing, request the appointment of a Probable Cause Panel or Special Master regarding the complaint. A copy of the letter shall be provided to the complainant and the respondent.

(4) **Withdrawal of Complaints.** A complaint may be withdrawn at any time.

(b) **PROBABLE CAUSE PANEL OR SPECIAL MASTER.**

(1) **Creation.** Whenever the Speaker receives a copy of a complaint and request made pursuant to subsection (a), the Speaker shall, within 20 days, either appoint a Probable Cause Panel (the panel) consisting of an odd number of members or appoint a Special Master. If the Speaker appoints a Probable Cause Panel, the Speaker shall also appoint one member of the panel as its Chair. The Speaker may appoint up to two additional persons who are not Members of the House to serve as nonvoting, public members of a Probable Cause Panel.

(2) **Powers and Duties.** The members of the panel or the Special Master shall have the following powers and duties:

a. Investigate complaints and make appropriate findings of fact promptly regarding allegations of improper conduct sufficient to establish probable cause of violations of law, violations of the House Code of Conduct, and violations of Rules and regulations of the House relating to the conduct of individuals in the performance of their duties as Members or as officers of the House;

b. Based upon the investigation by the Special Master or the panel, make and report findings of probable cause to the Speaker and to the House as it relates to the complaint that occasioned the appointment of the Probable Cause Panel or the Special Master;

c. Recommend to the Committee on Rules & Calendar such additional Rules or regulations as the Probable Cause Panel or the Special Master shall determine as necessary or desirable to ensure proper standards of conduct by Members and officers of the House in the performance of their duties and the discharge of their responsibilities;

d. Adopt rules of procedure as appropriate.

(3) **Quorum.** A quorum of a Probable Cause Panel, when appointed, shall consist of a majority of the members of the panel. All action by a Probable Cause Panel shall require the concurrence of a majority of the full panel.

(4) **Term.** A Probable Cause Panel or Special Master, as appropriate, shall serve until the complaint that occasioned the appointment of the panel or the Special Master has been dismissed or until a finding of probable cause has been transmitted to the Speaker.

(c) **PRELIMINARY INVESTIGATION AND PROBABLE CAUSE FINDING.**(1) **Preliminary Investigation.**

a. The Probable Cause Panel or the Special Master shall provide the respondent an opportunity to present to the panel, the Special Master, or staff of the panel, orally or in writing, a statement addressing the allegations.

b. The panel, Special Master, or the staff of the panel may interview witnesses and examine documents and other evidentiary matters.

c. The panel or Special Master may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or any other member of the panel, by the Special Master, or by any person authorized by law to administer oaths.

d. The panel or Special Master may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

## (2) Probable Cause Finding.

## a. Findings.

1. The panel, by a recorded vote of a majority of the full panel, or the Special Master, as appropriate, shall determine whether there is probable cause to conclude that a violation within the jurisdiction of the panel or the Special Master has occurred.

2. If the panel or Special Master, as appropriate, finds that probable cause does not exist, the panel or Special Master shall dismiss the complaint and notify the complainant and the respondent of its determination.

3. If the panel or Special Master, as appropriate, determines that probable cause exists to believe that a violation occurred but that the violation, if proven, is neither of a de minimis nature nor sufficiently serious to justify expulsion, censure, or reprimand, the panel or Special Master may recommend an appropriate, lesser penalty or may resolve the complaint informally. If the respondent agrees, a summary of the panel's conclusions or Special Master's conclusions, as is appropriate, shall be published in the House Journal and the penalty agreed upon shall be imposed. If the panel or Special Master is unable to satisfactorily settle the complaint, the complaint shall be subject to a full evidentiary hearing before the Select Committee on Standards of Official Conduct pursuant to subsection (d).

4. If the panel or Special Master determines that probable cause exists to believe that a violation occurred and that, if proven, would be sufficiently serious to justify expulsion, censure, or reprimand, the panel or Special Master shall cause to be transmitted to the respondent a Statement of Alleged Violation. The statement shall be divided into counts, and each count shall be related to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, including a reference to the provision of the House Code of Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated. A copy of the statement shall also be transmitted to the Speaker.

b. Collateral Proceedings. If the complaint against a Member or officer of the House has been the subject of action before any other body, the panel or Special Master may forward the complaint directly to a hearing pursuant to subsection (d).

## (d) HEARING.

(1) Select Committee on Standards of Official Conduct. Upon receipt by the Speaker of a Statement of Alleged Violation, the Speaker shall appoint, within 20 days, a Select Committee on Standards of Official Conduct (the select committee) to hold hearings regarding the statement and make a recommendation for disciplinary action to the full House. Upon the receipt by the Speaker of a complaint and findings by the Commission on Ethics regarding a Member of the House, the Speaker shall appoint, within 20 days, a Select Committee on Standards of Official Conduct to hold hearings to determine whether a violation has occurred and, if so, to make a recommendation for disciplinary action to the full House.

(2) Hearing. A hearing regarding a violation charged in a Statement of Alleged Violation or in a complaint and findings by the Commission on Ethics shall be held promptly to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation.

a. Chair. The Chair of the select committee or other member presiding at a hearing shall rule upon any question of admissibility of testimony or evidence presented to the select committee. Rulings shall be final unless reversed or modified by a majority vote of the members of the select committee. If the select committee appoints a referee pursuant to subsection (i), the referee shall make all evidentiary rulings.

b. Referee. The select committee shall serve as referee for all proceedings under these Rules, unless the select committee retains an independent referee pursuant to subsection (i).

c. Prosecutor. The select committee's staff shall serve as a legal advisor to the committee. The select committee may retain independent counsel pursuant to subsection (j) to serve as prosecutor in all proceedings conducted under these Rules.

d. Respondent's Rights. The respondent shall have the right to be represented by legal counsel, to call witnesses, to introduce exhibits, and to cross-examine opposing witnesses. The respondent or respondent's counsel shall be permitted to take the deposition of the complainant in accordance with sub-subparagraph (d)(3)a.3.

e. Complainant's Rights. The complainant is not a party to any part of the complaint process or these proceedings. The complainant has no standing to challenge these Rules or procedures and has no right to appeal. The complainant may submit a list of witnesses or questions for the select committee's consideration to assist in its preparation for the hearing.

## (3) Procedures.

## a. Procedure and Evidence.

1. Procedure. The select committee may adopt rules of procedure as appropriate to its needs.

2. Evidence. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. However, hearsay evidence may not be used unless same would be admissible under the Florida Rules of Evidence and it shall not be sufficient in itself to support a factual finding unless it would be admissible over objection in civil actions.

3. Discovery. Discovery may be permitted upon motion, which shall state the reason therefor. Discovery shall be in accordance with the Florida Rules of Civil Procedure, but may be limited in time, scope, and method by the Chair or the referee.

4. Testimony. The select committee shall order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or a member of the select committee, by any referee appointed pursuant to subsection (i), or by any person authorized by law to administer oaths.

5. Subpoenas. The select committee may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

b. Order of Hearing. The order of the full hearing before the select committee or the referee shall be as follows:

1. The Chair or the referee shall open the hearing by stating the select committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

2. Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order, whenever possible: witnesses and other evidence offered by the independent counsel, witnesses and other evidence offered by the respondent, and rebuttal witnesses. The select committee may call witnesses at any time during the proceedings.

3. Witnesses at the hearing shall be examined first by the independent counsel. The respondent or the respondent's counsel may then cross-examine the witnesses. The members of the select committee may then question the witnesses. Redirect and recross may be permitted in the Chair's or the referee's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or the respondent's counsel, and then may be cross-examined by the independent counsel. Members of the select committee may then question the witness. Redirect and recross may be permitted in the Chair's or the referee's discretion. Participation by the select committee at the hearing stage is at the sole discretion of the select committee and is not mandatory.

(4) Burden of Proof. At the hearing, the burden of proof rests on the appointed independent counsel to establish the facts alleged by clear and convincing evidence with respect to each count.

(e) COMMITTEE RECOMMENDED ORDER.

(1) Committee Deliberations. As soon as practicable, the select committee shall consider each count contained in a statement of alleged violation or in a complaint and findings, as the case may be. A count shall not be proven unless at least a majority of the select committee votes for a motion that the count has been proved. A count that is not proved shall be considered as dismissed by the select committee.

(2) Dismissal of Complaint. After the hearing, the select committee shall, in writing, state its findings of fact. If the select committee finds that the respondent has not violated any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, it shall order the action dismissed and shall notify the respondent and the complainant of such action.

(3) Recommended Order.

a. Recommended Order. If the select committee finds that the respondent has violated any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, it shall, in writing, state its findings of fact and submit a report to the House. A copy of the report shall be sent to the respondent and the complainant and shall be published in the House Journal.

b. Penalty. With respect to any violation with which a Member or officer of the House is charged in a count that the select committee has voted as proved, the select committee may recommend to the House that the Member or officer be fined, censured, reprimanded, placed on probation, or expelled, as appropriate, or may recommend such other lesser penalty as may be appropriate.

(f) PROPOSED RECOMMENDED ORDER.

(1) Referee. When a hearing is conducted by referee, as provided in subsection (i), the referee shall prepare a proposed recommended order and file it, together with the record of the hearing, with the select committee. Copies of the proposed recommended order shall be served on all parties.

(2) Proposed Recommended Order. The proposed recommended order will contain the time and place of the hearing, appearances entered at the hearing, issues, and proposed findings of fact and conclusions of law.

(3) Exceptions. The respondent and the independent counsel may file written exceptions with the select committee in response to a referee's recommended order. Exceptions shall be filed within 20 days after service of the recommended order unless such time is extended by the referee or the Chair of the select committee.

(4) Recommended Order. The select committee shall deliberate and render a recommended order pursuant to the provisions of subsection (e).

(g) CONSENT DECREE. At any stage of the proceedings, the respondent and the select committee may agree to a consent decree. The consent decree shall state findings of fact and shall be published in the House Journal. The consent decree shall contain such penalty as may be appropriate. If the House accepts the consent decree, the complaint pursuant to these proceedings shall be resolved. If the House does not accept the consent decree, the proceedings before the select committee shall resume.

(h) CONFIDENTIALITY. Any material provided to the House in response to a complaint filed under this Rule that is confidential under applicable law shall remain confidential and shall not be disclosed except as authorized by applicable law. Except as otherwise provided in this section, a complaint and the records relating to a complaint shall be available for public inspection upon the dismissal of a complaint by the Chair of the Committee on Rules & Calendar, a determination as to probable cause or informal resolution of a complaint by a Special Master

or panel, or the receipt by the Speaker of a request in writing from the respondent that the complaint and other records relating to the complaint be made public records.

(i) REFEREE. The Select Committee on Standards of Official Conduct may, in its discretion and with the approval of the Speaker, employ a referee to preside over the proceedings, to hear testimony, and to make findings of fact and recommendations to the select committee concerning the disposition of complaints.

(j) INDEPENDENT COUNSEL. The Select Committee on Standards of Official Conduct is authorized to retain and compensate counsel not regularly employed by the House, as authorized by the Speaker.

(k) ATTORNEY'S FEES. When a Probable Cause Panel or a Special Master finds that probable cause does not exist or the select committee finds that the respondent has not violated any of the provisions of the House Code of Conduct or a law, rule, regulation, or other standard of conduct, the panel or Special Master or the select committee may recommend to the Speaker that the reasonable attorney's fees and costs incurred by the respondent be paid by the House. Payment of such reasonable fees and costs shall be subject to the approval of the Speaker.

(l) ELIGIBILITY; SPEAKER OF THE HOUSE. If any allegation under this Rule involves the conduct or activities of the Speaker, the duties of the Speaker pursuant to this Rule shall be transferred to the Speaker pro tempore.

(m) COLLATERAL ACTIONS.

(1) Criminal Actions. Any criminal complaints relating to Members shall be governed by these Rules.

(2) Commissions or Quasi-Judicial Agencies with Concurrent Jurisdiction. If a complaint against a Member or an officer of the House is filed with a commission or quasi-judicial agency with concurrent jurisdiction, the Chair of the Committee on Rules & Calendar, a Probable Cause Panel or a Special Master, and the Select Committee on Standards of Official Conduct shall have the discretion to refrain from processing a similar complaint until such commission or quasi-judicial agency has completed its review of the matter. If such a complaint is filed initially with the Chair of the Committee on Rules & Calendar and subsequently filed with a commission or quasi-judicial agency with concurrent jurisdiction, the Chair of the Committee on Rules & Calendar, the panel or Special Master, and the select committee shall have the discretion to suspend their proceedings until such commissions or agencies have completed their review of the matter.

(n) EX PARTE COMMUNICATIONS.

(1) A Special Master or a member of a Probable Cause Panel or of a Select Committee on Standards of Official Conduct shall not initiate or consider any ex parte communication relative to the merits of a pending complaint proceeding by:

a. Any person engaged in prosecution or advocacy in connection with the matter; or

b. A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the action of the panel, Special Master, or select committee, or authorized representatives or counsel thereof.

(2) Except when acting in official capacity as a Special Master or as a member of a panel or select committee, a Special Master or a member of a Probable Cause Panel or of a Select Committee on Standards of Official Conduct shall not comment upon or discuss with any other person the matters that occasioned the appointment of the Special Master, panel, or select committee during the pendency of proceedings held pursuant to this Rule before the Special Master, panel, or select committee. This section shall not apply to communications initiated or considered by the Special Master or the Chair of the panel or select committee relating to a settlement pursuant to sub-subparagraph (c)(2)a.3. or to a consent decree authorized pursuant to subsection (g).



## (o) TIME LIMITATIONS.

(1) On or after the effective date of these Rules, all sworn complaints alleging violation of the House Code of Conduct, including any violation of law or of the Rules and regulations of the House, shall be filed with the Committee on Rules & Calendar within 2 years after the alleged violation.

(2) A violation of the House Code of Conduct is committed when every element of the Rule has occurred and time starts to run on the day after the violation occurred.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the Member or officer is filed with the Committee on Rules & Calendar. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the allegations shall not be considered a complaint for the purpose of requiring action by the Chair of the Committee on Rules & Calendar. The complaint and all material related thereto shall remain confidential.

164. Penalties for Violations—Separately from any prosecutions or penalties otherwise provided by law, any Member determined to have violated the foregoing requirements of these Rules shall be fined, censured, reprimanded, placed on probation, or expelled, or have such other lesser penalty imposed as may be appropriate. Such determination and disciplinary action shall be taken by a two-thirds vote of the House, except that expulsions shall require two-thirds vote of the membership, upon recommendation of the select committee so designated under Rule 163.

## CHAPTER B. Lobbyists

## 165. Lobbyists—

## (a) OBLIGATIONS OF A LOBBYIST.

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view that the lobbyist openly declares. A lobbyist shall not offer or propose anything that may reasonably be construed to improperly influence the official act, decision, or vote of a legislator, nor shall a lobbyist attempt to improperly influence the selection of officers or employees of the House. A lobbyist, by personal example and admonition to colleagues, shall maintain the honor of the legislative process by the integrity of the lobbyist's relationship with legislators as well as with the principals whom the lobbyist represents.

(2) A lobbyist shall not knowingly and willfully falsify, conceal, or cover up by any trick, scheme, or device, a material fact or make any false, fictitious, or fraudulent statement or representation, or make or use any writing or document knowing the same to contain any false, fictitious, or fraudulent statements or entry.

(3) No registered lobbyist shall be permitted upon the floor of the House while it is in session.

(b) ADVISORY OPINIONS; COMPILATION THEREOF. A lobbyist, when in doubt about the applicability and interpretation of subsection (a) in a particular context, shall submit in writing the facts for an advisory opinion to the Speaker, who shall either refer the issue to the House general counsel for an advisory opinion or refer the issue to a committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists and may appear in person before such committee. The House general counsel or this committee shall render advisory opinions to any lobbyist who seeks advice as to whether the facts in a particular case would constitute a violation of such Rule by a lobbyist. Such opinion, until amended or revoked, shall be binding in any subsequent complaint concerning the lobbyist who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for advisory opinion. Upon request of the lobbyist or any Member, the committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists may revise any advisory opinion issued by the House general counsel or may revise any advisory opinion issued by the general counsel of the Office of Legislative Services under Joint Rule 1.7. The House general counsel or

committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions. All advisory opinions of the House general counsel or this committee shall be numbered, dated, and published in an annual publication of the House. The Clerk shall keep a compilation of all advisory opinions of the House general counsel or committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists.

## 166. Complaints of Violations Relating to Lobbyists; Procedure—

(a) FILING OF COMPLAINTS. The Chair of the Committee on Rules & Calendar shall receive and initially review allegations of violations of the Rules of the House, Joint Rule 1, or violations of a law, rule, or other standard of conduct by a lobbyist.

(1) Review of Complaints. The Chair of the Committee on Rules & Calendar shall review each complaint submitted to the Committee on Rules & Calendar relating to the conduct of a lobbyist.

## (2) Complaints.

a. A complaint shall be in writing and under oath, setting forth in simple, concise statements the following:

1. The name and legal address of the party filing the complaint (complainant);

2. The name and address of the lobbyist (respondent) alleged to be in violation of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct;

3. The nature of the alleged violation based upon the personal knowledge of the complainant, including, if possible, the specific section of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct alleged to have been violated; and

4. The facts alleged to give rise to the violation.

b. All documents in the possession of the complainant that are relevant to, and in support of, the allegations shall be attached to the complaint.

## (3) Processing Complaint and Preliminary Findings.

a. Upon the filing of a complaint, the Chair shall, within 5 working days, notify the lobbyist against whom the complaint has been filed and give such person a copy of the complaint. Within 20 days, the Chair shall take the necessary actions as provided in subparagraphs b.-g.

b. The Chair shall examine each complaint for jurisdiction and for compliance with paragraph (a)(2).

c. If the Chair determines that a complaint does not comply with such Rule, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such Rule and with a copy of the Rule. A complainant may resubmit a complaint provided such complaint is resubmitted prior to the expiration of the time limitation set forth in subsection (m).

d. If the Chair determines that the verified complaint does not allege facts sufficient to constitute a violation of any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

e. If the Chair determines that the complaint is outside the jurisdiction of the House, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

f. If the Chair determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Chair may attempt to correct or prevent such a violation by informal means.

g. If the Chair determines that such a complaint does allege facts sufficient to constitute a violation of any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, and that the complaint is not de minimis in nature, the Chair shall transmit a copy of the complaint to the Speaker and, in writing, request

the appointment of a Probable Cause Panel or Special Master regarding the complaint. A copy of the letter shall be provided to the complainant and the respondent.

(4) Withdrawal of Complaints. A complaint may be withdrawn at any time.

(b) PROBABLE CAUSE PANEL OR SPECIAL MASTER.

(1) Creation. Whenever the Speaker receives a copy of a complaint and request made pursuant to subsection (a), the Speaker shall, within 20 days, either appoint a Probable Cause Panel (the panel) consisting of an odd number of members or appoint a Special Master. If the Speaker appoints a Probable Cause Panel, the Speaker shall also appoint one member of the panel as its Chair. The Speaker may appoint up to two additional persons who are not Members of the House to serve as nonvoting, public members of a Probable Cause Panel.

(2) Powers and Duties. The members of the panel or the Special Master shall have the following powers and duties:

a. Investigate complaints and make appropriate findings of fact promptly regarding allegations of improper conduct sufficient to establish probable cause of violation of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct;

b. Based upon the investigation by the Special Master or the panel, make and report findings of probable cause to the Speaker and to the House as it relates to the complaint that occasioned the appointment of the Probable Cause Panel or the Special Master;

c. Recommend to the Committee on Rules & Calendar such additional Rules or regulations as the Probable Cause Panel or the Special Master shall determine as necessary or desirable to ensure proper standards of conduct by lobbyists; and

d. Adopt rules of procedure as appropriate to its needs.

(3) Quorum. A quorum of a Probable Cause Panel, when appointed, shall consist of a majority of the members of the panel. All action by a Probable Cause Panel shall require the concurrence of a majority of the full panel.

(4) Term. A Probable Cause Panel or Special Master, as appropriate, shall serve until the complaint that occasioned the appointment of the panel or the Special Master has been dismissed or until a finding of probable cause has been transmitted to the Speaker.

(c) PRELIMINARY INVESTIGATION AND PROBABLE CAUSE FINDING.

(1) Preliminary Investigation.

a. The Probable Cause Panel or the Special Master shall provide the respondent an opportunity to present to the panel, the Special Master, or staff of the panel, orally or in writing, a statement addressing the allegations.

b. The panel, Special Master, or the staff of the panel may interview witnesses and examine documents and other evidentiary matters.

c. The panel or Special Master may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or any other member of the panel, by the Special Master, or by any person authorized by law to administer oaths.

d. The panel or Special Master may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

(2) Probable Cause Finding.

a. The panel, by a recorded vote of a majority of the full panel, or the Special Master, as appropriate, shall determine whether there is probable cause to conclude that a violation within the jurisdiction of the panel or the Special Master has occurred.

b. If the panel or Special Master, as appropriate, finds that probable cause does not exist, the panel or Special Master shall dismiss the complaint and notify the complainant and the respondent of its determination.

c. If the panel or Special Master, as appropriate, determines that probable cause exists to believe that a violation occurred but that the violation, if proven, is neither of a de minimis nature nor sufficiently serious to justify the imposition of a penalty pursuant to Rule 167, the panel or Special Master may recommend an appropriate, lesser penalty or may resolve the complaint informally. If the respondent agrees, a summary of the panel's conclusions or Special Master's conclusions, as is appropriate, shall be published in the House Journal and the penalty agreed upon shall be imposed. If the panel or Special Master is unable to satisfactorily settle the complaint, the complaint shall be subject to a full evidentiary hearing before the Select Committee on Lobbyist Conduct pursuant to subsection (d).

d. If the panel or Special Master determines that probable cause exists to believe that a violation occurred and that, if proven, would be sufficiently serious to justify imposition of a penalty pursuant to Rule 167, the panel or Special Master shall cause to be transmitted to the respondent a Statement of Alleged Violation. The statement shall be divided into counts, and each count shall be related to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, including a reference to the provision of the Rules of the House, Joint Rule 1, or law, rule, or other standard of conduct alleged to have been violated. A copy of the statement shall also be transmitted to the Speaker.

(d) HEARING.

(1) Select Committee on Lobbyist Conduct. Upon receipt by the Speaker of a Statement of Alleged Violation, the Speaker shall appoint, within 20 days, a Select Committee on Lobbyist Conduct (the select committee) to hold hearings regarding the statement and make a recommendation for disciplinary action to the full House.

(2) Hearing. A hearing regarding a violation charged in a Statement of Alleged Violation shall be held promptly to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation. The hearing before the select committee shall be subject to Rule 73.

a. Chair. The Chair of the select committee or other member presiding at a hearing shall rule upon any question of admissibility of testimony or evidence presented to the select committee. Rulings shall be final unless reversed or modified by a majority vote of the members of the select committee. If the select committee appoints a referee pursuant to subsection (i), the referee shall make all evidentiary rulings.

b. Referee. The select committee shall serve as referee for all proceedings under these Rules, unless the select committee retains an independent referee pursuant to subsection (i).

c. Prosecutor. The select committee's staff shall serve as prosecutor in all proceedings conducted under these Rules unless the select committee retains independent counsel pursuant to subsection (j).

d. Respondent's Rights. The respondent shall have the right to be represented by legal counsel, to call witnesses, to introduce exhibits, and to cross-examine opposing witnesses. The respondent or respondent's counsel shall be permitted to take the deposition of the complainant in accordance with sub-subparagraph (d)(3)a.3.

e. Complainant's Rights. The complainant is not a party to any part of the complaint process or these proceedings. The complainant has no standing to challenge these Rules or procedures and has no right to appeal. The complainant may submit a list of witnesses or questions for the select committee's consideration to assist in its preparation for the hearing.

(3) Procedures.

a. Procedure and Evidence.

1. Procedure. The select committee may adopt rules of procedure as appropriate to its needs.

2. Evidence. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. However, hearsay evidence may not be used unless same would be admissible under the Florida Rules of Evidence and it shall not be sufficient in itself to support a factual finding unless it would be admissible over objection in civil actions.

3. Discovery. Discovery may be permitted upon motion, which shall state the reason therefor. Discovery shall be in accordance with the Florida Rules of Civil Procedure, but may be limited in time, scope, and method by the Chair or the referee.

4. Testimony. The select committee shall order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or a member of the select committee, by any referee appointed pursuant to subsection (i), or by any person authorized by law to administer oaths.

5. Subpoenas. The select committee may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

b. Order of Hearing. The order of the full hearing before the select committee or the referee shall be as follows:

1. The Chair or the referee shall open the hearing by stating the select committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

2. Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order, whenever possible: witnesses and other evidence offered by the select committee's staff or the independent counsel, witnesses and other evidence offered by the respondent, and rebuttal witnesses. The select committee may call witnesses at any time during the proceedings.

3. Witnesses at the hearing shall be examined first by the select committee's staff or the independent counsel. The respondent or the respondent's counsel may then cross-examine the witnesses. The members of the select committee may then question the witnesses. Redirect and recross may be permitted in the Chair's or the referee's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or the respondent's counsel, and then may be cross-examined by select committee's staff or the independent counsel. Members of the select committee may then question the witness. Redirect and recross may be permitted in the Chair's or the referee's discretion. Participation by the select committee at the hearing stage is at the sole discretion of the select committee and is not mandatory.

(4) Burden of Proof. At the hearing, the burden of proof rests on the select committee's staff or the appointed independent counsel to establish the facts alleged by clear and convincing evidence with respect to each count.

(e) COMMITTEE RECOMMENDED ORDER.

(1) Committee Deliberations. As soon as practicable, the select committee shall consider each count contained in a statement of alleged violation or in a complaint and findings, as the case may be. A count shall not be proven unless at least a majority of the select committee votes for a motion that the count has been proved. A count that is not proved shall be considered as dismissed by the select committee.

(2) Dismissal of Complaint. After the hearing, the select committee shall, in writing, state its findings of fact. If the select committee finds that the respondent has not violated any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct,

it shall order the action dismissed and shall notify the respondent and the complainant of such action.

(3) Recommended Order.

a. Recommended Order. If the select committee finds that the respondent has violated any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, it shall, in writing, state its findings of fact and submit a report to the House. A copy of the report shall be sent to the respondent and the complainant and shall be published in the House Journal.

b. Penalty. With respect to any violation with which a lobbyist is charged in a count that the select committee has voted as proved, the select committee may recommend to the House that the lobbyist be censured, reprimanded, or prohibited from lobbying for all or any part of the legislative biennium during which the violation occurred, or such other penalty as may be appropriate.

(f) PROPOSED RECOMMENDED ORDER.

(1) Referee. When a hearing is conducted by referee, as provided in subsection (i), the referee shall prepare a proposed recommended order and file it, together with the record of the hearing, with the select committee. Copies of the proposed recommended order shall be served on all parties.

(2) Proposed Recommended Order. The proposed recommended order shall contain the time and place of the hearing, appearances entered at the hearing, issues, and proposed findings of fact and conclusions of law.

(3) Exceptions. The respondent and the independent counsel may file written exceptions with the select committee in response to a referee's recommended order. Exceptions shall be filed within 20 days after service of the recommended order unless such time is extended by the referee or the Chair of the select committee.

(4) Recommended Order. The select committee shall deliberate and render a recommended order pursuant to the provisions of subsection (e).

(g) CONSENT DECREE. At any stage of the proceedings, the respondent and the select committee may agree to a consent decree. The consent decree shall state findings of fact and shall be published in the House Journal. The consent decree shall contain such penalty as may be appropriate. If the House accepts the consent decree, the complaint pursuant to these proceedings shall be resolved. If the House does not accept the consent decree, the proceedings before the select committee shall resume.

(h) CONFIDENTIALITY. Any material provided to the House in response to a complaint filed under this Rule that is confidential under applicable law shall remain confidential and shall not be disclosed except as authorized by applicable law. Except as otherwise provided in this section, a complaint and the records relating to a complaint shall be available for public inspection upon the dismissal of a complaint by the Chair of the Committee on Rules & Calendar, a determination as to probable cause or informal resolution of a complaint by a Special Master or panel, or the receipt by the Speaker of a request in writing from the respondent that the complaint and other records relating to the complaint be made public records.

(i) REFEREE. The Select Committee on Lobbyist Conduct may, in its discretion and with the approval of the Speaker, employ a referee to preside over the proceedings, to hear testimony, and to make findings of fact and recommendations to the select committee concerning the disposition of complaints.

(j) INDEPENDENT COUNSEL. The Select Committee on Lobbyist Conduct is authorized to retain and compensate counsel not regularly employed by the House, as authorized by the Speaker.

(k) ELIGIBILITY; SPEAKER OF THE HOUSE. If any allegation under this Rule involves the conduct or activities of the Speaker, the duties of the Speaker pursuant to this Rule shall be transferred to the Speaker pro tempore.

## (l) EX PARTE COMMUNICATIONS.

(1) A Special Master or a member of a Probable Cause Panel or of a Select Committee on Lobbyist Conduct shall not initiate or consider any ex parte communication relative to the merits of a pending complaint proceeding by:

a. Any person engaged in prosecution or advocacy in connection with the matter; or

b. A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the action of the panel, Special Master or select committee, or authorized representatives or counsel thereof.

(2) Except when acting in official capacity as a Special Master or as a member of a panel or select committee, a Special Master or a member of a Probable Cause Panel or of a Select Committee on Lobbyist Conduct shall not comment upon or discuss with any other person the matters that occasioned the appointment of the Special Master, panel, or select committee during the pendency of proceedings held pursuant to this Rule before the Special Master, panel, or select committee. This section shall not apply to communications initiated or considered by the Special Master or the Chair of the panel or select committee relating to a settlement pursuant to subparagraph (c)(2)c. or to a consent decree authorized pursuant to subsection (g).

## (m) TIME LIMITATIONS.

(1) On or after the effective date of these Rules, all sworn complaints alleging violation of the Rules of the House, Joint Rule 1, or law shall be filed with the Committee on Rules & Calendar within 2 years after the alleged violation.

(2) A violation of the Rules of the House is committed when every element of the Rule has occurred, and time starts to run on the day after the violation occurred.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the lobbyist is filed with the Committee on Rules & Calendar. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the allegations shall not be considered a complaint for the purpose of requiring action by the Chair of the Committee on Rules & Calendar. The complaint and all material related thereto shall remain confidential.

167. Penalties for Violations—Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the foregoing requirements of these Rules, any provision in Joint Rule 1 adopted by the House and the Senate, or other law may be reprimanded, censured, prohibited from lobbying for all or any part of the legislative biennium during which the violation occurred, or have such other penalty imposed as may be appropriate. Such determination shall be made by a majority of the House, upon recommendation of the committee so designated under Rule 166.

## STANDING ORDERS

## 1. Prime Sponsors and Sponsors—

(a) The sponsor of a committee substitute is the committee. The introducer of the original bill, since it is laid upon the table upon introduction of the committee substitute, has no right to move for the withdrawal of the substitute from further consideration.

(b) For the purpose of withdrawing bills from further consideration, the first-named Member shall be regarded as the “prime sponsor” and the only Member empowered to move for the withdrawal of a bill.

(c) In moving for the withdrawal of a bill by floor motion from further consideration, the introducer shall be required to identify the nature of the bill so that the Members will not be taken by surprise.

2. Distribution of Materials in Chamber; Meals in Chamber—The following constitutes policy regarding material distributed to the general membership through the Sergeant at Arms’ Office and pages:

(a) All material prior to such distribution must be approved by the Committee on Rules & Calendar, acting through its Chair.

(b) The following official materials have heretofore been approved and will continue to be approved: House and Senate bills, resolutions, memorials, and amendments thereto, and official calendars and journals; committee meeting notices; communications from the Speaker and Clerk and official communications from the Senate; and official staff reports of standing or select committees or of the majority or minority parties.

(c) No meals will be allowed on the floor without waiver of policy by two-thirds vote of the Members present and voting. This shall not be construed to prevent the serving of drinks such as juices, coffee, tea, soft drinks, milk, and the like.

(d) No newspapers may be distributed or otherwise permitted in the House Chamber while the House is in session without waiver of policy by two-thirds vote of the Members present and voting. This subsection does not apply to personal use by an individual Member of a newspaper as resource or reference material for purposes of debate nor to the transmittal of material from one Member to another on the floor of the House.

—was read the first time by title. On motion by Rep. Arnall, the resolution was read the second time by title.

**Remarks Relating to HR 1-Org.**

**Speaker Thrasher:** Representative Arnall moves the adoption of the resolution and is recognized to explain it. Please give Representative Arnall your attention.

**Rep. Arnall:** Thank you. Ladies and gentlemen, Members, this is a bit technical but for those who have respect for this institution, the former Speakers who have served as Rules Chairmen, Former Representative Lippman—they served with dignity and honor—and, of course, the present Speaker not to be excluded, in this position. So it is my honor today to speak to you as Rules Chairman with the hope that we can preserve the dignity and integrity and live by the Rules to give fairness to all. So with that I have to read this because it is rather technical, and bear with me for about 10 minutes and we will be through. Because of the changes they’ve all had the intense work of the Democrats involved with Minority Leader Miller and also Representative Turnbull and their staffs and participation. And I am sure we appreciate their help as you will, as well as Representative Warner and his always intense interest in the Rules. So with that I’ll proceed to read this.

I think the revisions you have before you go a long way toward addressing the issues of being fair.

I’d like to thank the Members who have worked so hard to prepare the Rule revisions and I’d especially like to thank David Savelle from the House Bill Drafting who spent many hours with us preparing the text and revisions and giving us technical assistance.

You have House Resolution 1-Org. before you, and I will briefly go over the most significant Rule revisions.

First, as to the organization of the Rules, you’ll see that we have reorganized the Rules to bring together all those provisions of the Rules that are related. In particular, the provisions relating to the powers and responsibilities of the committees and councils are now clearly organized and delineated. We’ve also moved the Rules that are least often used, particularly the disciplinary procedural issues, to the back of the section, to the back of the book. We believe these reorganizations will simplify the use of the Rules.

Next, as to the Rules relating to Members and Member bills, the most significant change is the bill limit. Under the former Rule, a Member could file eight bills; however, only four bills could be referred and pending in committee at any one time. The new Rule provides that Members may file up to six bills, and all six bills may be referred to committee and under consideration at the same time. Once a bill has passed the House, been withdrawn from further consideration, or laid

on the table, a Member may file another bill. So therefore you can always have six active bills and file a bill at any time. We believe that this provision will address some of the bill management problems that some Members encountered in the last two years. As in the former Rules, the new six-bill limit will not apply to local bills, memorials, resolutions, trust fund bills, open records bills, and committee bills. Also, there is no filing deadline for any general bill subject to the six-bill limit, but there is a deadline of noon opening day of the Regular Session for local bills. So make sure that those are all advertised, that you attend your delegation meetings, and that you have your local bills in, because that is a pretty important thing when it comes to the end of session, that you get your local bills done. And that is how you get reelected, just in case you wanted to know. [laughter]

The new Rules eliminate carry-over bills. They tended to be a very technical problem because we had to redate and everything else. But they provide that a bill that is refiled and is substantially identical to a bill that passed the House in the first regular session of a legislative biennium will be given a special notation by the House Bill Drafting to indicate the bill's previous passage.

Next, we have addressed concerns regarding closure of bills. Under the Rules before you, a bill may be recommended for closure by a committee with only the approval of the sponsor. The committee's recommendation for closure must then be approved by the appropriate council. The recommendation of council is then reported to the Committee on Rules & Calendar, which must approve the closure of the bill by a two-thirds vote of the committee before the bill will be closed on the floor. As in the previous Rules, Senate bills will not be closed.

As to the revisions relating to committees, they have been increased to 40, which should even out the workloads, because some committees were very much overburdened with bills. And this should even out their workload; some of the committees have had extensive previous jurisdiction. There is a similar change in the number of councils, increasing them from 7 to 10 for the same reason. We've changed the committee notice deadline from 14 to 7 days during the interim, and from 4 days to 2 days during the first 45 days of session. This should help the committees to complete their work at one meeting before having to notice their next committee meeting.

A significant change in the Rules is that committees will now be required to have the council's approval before noticing and taking up proposed committee bills. This should ensure that the committee legislation will focus on significant issues and will also address those situations where two committees may be considering similar proposed committee legislation, which will prevent duplication of the committee work.

At the council level, the new Rules delete the system of Council Calendars. The councils will continue to rank all bills except for local bills and trust-fund bills. The council rankings will be reported to the Committee on Rules & Calendar for consideration in setting the Special Order Calendar. The Daily Folders have also been deleted. Councils will continue to have the authority to refer bills available for ranking to any committees within the council. Council meeting notice deadlines, like committee notice deadlines, are changed to 7 days during the interim and to 6 hours during the first 45 days of session.

Finally, as to the floor procedures, the Committee on Rules & Calendar will meet regularly and determine the Special Order Calendar. Also, the Consent Calendar has been renamed and will be designated the General Calendar. The procedures for placing a bill on the General Calendar and the time for objections remain the same. We have also made provision for a Trust Fund Bill Calendar, which we have taken up before, but have never provided for in the Rules.

We have also established a system for expediting consideration of ceremonial resolutions by publication in the *Journal*, which is a process that is used similarly in the Senate.

Lastly, we have changed the deadline for filing a floor amendment during the first 45 days of session from 4:00 p.m. to 3:00 p.m. for main amendments, and 5:00 p.m. for substitute amendments and

amendments to amendments for bills scheduled to the next legislative day. And for you first-term people, that is a little bit complex. You have already seen it one time diagrammed by the Clerk, and you will see it many more times before you really understand it. But we will help work you through that process, and as Representative Feeney said, the Clerk will help you get through that process as well. This should allow for a more orderly floor procedure and provide the Members more time to review floor amendments.

Mr. Speaker, these are the significant revisions in the Rules, and I would again like to thank Representatives Miller, Turnbull, and Warner for their hard work, as well as yourself, in preparing these revisions.

**Speaker Thrasher:** Thank you, Representative Arnall. Are there questions of Representative Arnall in regard to the Rules?

Representative Melvin, for what purpose?

**Rep. Melvin:** For a question, please, Sir.

**Speaker Thrasher:** All right, you are recognized.

**Rep. Melvin:** Representative Arnall, last year there was quite a bit of confusion over the status of claims bills. Are claims bills going to be counted as one of the six bills?

**Rep. Arnall:** I don't think so. I don't think they ever were counted as one of the six bills but—

**Rep. Melvin:** Mine were last year.

**Rep. Arnall:** Yours were? Are you sure you were in the majority, Representative Melvin?

**Rep. Melvin:** Yes sir, I was supposed to have been. But I just want to make sure that we know so that we don't get in that—I don't want to introduce a claims bill if it is going to be counted against mine.

**Rep. Arnall:** OK. For you and for you only they won't be counted.

**Rep. Melvin:** Thank you, sir.

**Speaker Thrasher:** I believe the answer to that, Representative Melvin, is that they are counted and you will have to adjust your many bills accordingly, I guess.

**Rep. Melvin:** Could we amend the Rules—[laughter]

**Speaker Thrasher:** Not today. Thank you, though. We will take it under consideration. We appreciate your inquiry.

Are there further questions?

I want to thank also Representative Miller, Representative Turnbull for their great work on this. I think this is an indication that we can sit down and work together and work out things that both parties want to get to, and I hope that we will continue to do this in a similar fashion in the future with other major issues like that. And Representative Arnall, I thank you for your work, and Representative Warner also for your very, very good work.

On motion by Rep. Arnall, HR 1-Org. was adopted.

#### **Motion**

On motion by Rep. Arnall, the Clerk was allowed to make technical and clerical changes to the Rules.

#### **Remarks by the Speaker**

**Speaker Thrasher:** It is now my privilege, Members and guests, to make a few remarks to you, and I promise they will be brief as I can. Unfortunately, I prepared these, so you're going to have to hear the whole thing, and I somewhat apologize for that for the late hour. But I want to tell you and all of you that are here today how honored I am to stand before you—humbled, excited, ready to accept the daunting task and challenge that you've deemed me worthy of to serve as your Speaker.

Today, here in this hallowed Chamber, I ask for your help, and God's, so that together we may better serve the people of Florida as we prepare to open a new millennium in this country and in this world.

One November not long ago, a State Representative just 14 days after having run for elective office entered this Chamber and wandered up and down the aisle looking for the big overstuffed blue chair behind the desk with his name on it. And I saw many of you doing that this morning. When he found that chair, he stood and stared, for it represented the finish line. Emotionally, gone through a long time, an elected process, and a tough race. Now that that campaign was over, it seemed as if that chair was the prize. As he sat in the chair for the first time, he was filled with pride, a sense of accomplishment, and a feeling of awe as he looked around this great Chamber. It didn't take long, though, for that legislator to realize how wrong he was. The chair itself was not the prize; it was simply a seat. The prize, he learned, was what he could do and learn while sitting there.

I was that Representative. And I hope that you feel the same overpowering sense of fulfillment and eagerness to do good for the people of Florida as I did just six short years ago.

I particularly hope that our freshmen, who are rightfully seated in those very same chairs—and I was back there somewhere myself when I first came here—and whose term limits will make them leaders in a very, very short time, will allow the sense of personal vigor and excitement to seep into your daily work. The people of this state expect nothing less from all of us, and I know you will not let them down.

Two weeks ago, the people of this state spoke to us. After the last ballot was counted, I believe we can say they didn't just speak to us, they shouted at us. They shouted, in my opinion, that they like the direction the House has taken the last two years. They endorsed our philosophy of limited government, reducing taxes, putting education as our first priority, and looking out for all of Florida from our smallest citizen to the smallest business to the smallest mangrove.

Many of us, our new Governor included, made a number of promises as we asked the voters for the right to be here. I am committed to putting several of those promises on track to be heard by this House in the very early days of the upcoming Legislative Session. We promised to continue to carve away at the size of government; to save money, rather than spending that money in Tallahassee, returning it to the taxpayers in the form of tax cuts and rebates. By allowing our citizens, rather than government, to spend those dollars, we empower families and small businesses.

Other proposals will include legislation that increases the penalties for using a gun in the commission of a crime, as well as litigation reform, which was adopted by this Legislature last year. At the very, very center of our promises is a commitment to education reform that will help all of our children—especially the victims of our state's worst schools. That plan will also be before you in the near future.

Finally, I am committed to putting before this House an extension of Preservation 2000, a program that has worked well in the past. But I want to make it a program that provides emphasis on protecting our water and our water supply, which is so critical to our state.

Now bear in mind one thing and listen to me carefully about this, please, particularly the new Members. When you're privileged to rise and speak on behalf of your constituents, you also have a responsibility, I believe, to speak for those whose faint voices are not heard. You have an obligation to speak on behalf of the infant child lying in his crib. You have a duty to speak on behalf of the elderly shut-in in a nursing home. You have an obligation to speak on behalf of the struggling single mother working overtime to meet the needs of her children. All of these Floridians, young and old, have an equal stake in Florida's dream, which you have sworn in oath to be the guardian of today.

Standing at the threshold of this new millennium, let us recommit ourselves to the joy which is public service and to take joy in doing the people's work. How fortunate we are to be able to freely debate ideas that serve the needs of others through a system of democratic representation. I know many of you have preconceived opinions, both

pro and con, about each of the many issues we will face. What I hope is that each of us can take off the blinders, offer new ideas to objectively debate each issue.

As heatedly we may sometimes disagree, I also hope you will not forget to have a little fun. Not everyone is as lucky as you and I are today, to have a chance to start with a clean slate, to have the opportunity to help write the next chapter of this great state's history. As weighty as our responsibilities which are about to be undertaken are, let us always remember to allow that sense of fulfillment and happiness, which is the honor to serve the public, to infuse our daily work.

Let us commit ourselves at the edge of this new millennium to measure our prosperity through new eyes. Let us measure the quality of life in our communities not by the number of prisoners we've incarcerated in jails, but rather by the number of free men and women who will thrive in the 21st century economy, which you and I will help build. Let us measure the well-being of our children not by how much money we will pour into their classrooms, but rather by how much knowledge our classrooms will pour into their developing minds. Let us measure how far we have come in this state not by dwelling on the injustices of our sometimes painful past, but rather in meeting the goals of our common future as a united people.

I thank you today for this wonderful honor, and I dedicate this day to my wife, Jean; our lovely family, Jennifer and Don, Ashley, Julie, and my son, Jon. I love you very much. Thank you for indulging me and allowing me to serve; and thank you for your devoted support that you've blessed me with throughout these last six years.

I would be remiss if I did not thank some special people who've helped me get here and made it a lot easier for me in my life: the members of my family, who you've met some of them, Chris and Jack, Betty and Gordon, my nieces and nephews, and, of course, the pledgers who were all here a little bit earlier and I think are sitting back there.

I thank my friends from Clay County, who are sitting in the Gallery, and I am honored that you all would come today. And I thank my friends from Duval County, who've also honored me with their presence.

And I particularly, at this time, want to thank my Duval delegation, my dear friend and supporter Jim King, who I know I would not be here but for your help. And I thank Representative Joe Arnall; Steve Wise; Jim Fuller; Senator Bill Bankhead, who is our Senator; and my very, very dear friend Senator Jim Horne, who is my colleague from Orange Park. I'm indebted to the Chairman of the Republican Party of Florida, Tom Slade, the greatest, the greatest Chairman of any state in this Union; and I thank you for your strong support, Chairman, and for your belief in me. And then I thank the members of my law firm who are here. It's not my law firm, it's theirs. They honor me with the opportunity to be a part of it, and I particularly want to thank Mark Hulsey and Steve Busey of Smith Hulsey & Busey for offering me the opportunity to be a member of such a superb law firm while having the privilege of serving in this House.

To my staff: Jim Roy, who has been with me since the inception—I know you never thought we'd have this opportunity to do this—I apologize for getting you involved in all this. [laughter] To Jennie Bailey, a devoted legislative secretary, and Ann Canady, my dear friend who works in my law office and does so many other things for us, I thank you. Fred McDowell, JoAn Phillips, Greg Turbeville, Katie Baur, Gaye Mitchell, Carol Burlison, Miska Collier—all of who will serve with me in the Speaker's Office.

For the past Speakers and past leaders who are here, I thank you for coming today. It is truly an honor to have you here. I'm sorry that Ander had to leave—Senate President Ander Crenshaw. He and I have a unique distinction of he being the first Republican President of the Florida Senate in modern times; I will be the second Republican Speaker. And we both graduated within one year of each other from the same high school and have been friends since high school—a dear friend, and I am appreciative of him being here.

I was honored that the Governor was here—Governor, Lieutenant Governor-elect—and I look forward to working with them as I know all of you do to help make this a great state.

And to my friend Les Miller, thank you very much for your kind comments. I look forward to working with you, sir, and serving this House in the best possible manner we both can and getting us to the proper solutions to the very difficult problems that face this state.

And last, but not least, to you, my colleagues, and the fellow Floridians, we're making history today. Let us not waste this most precious opportunity to start anew. Today is a day for lofty words and thoughts, and tomorrow we will begin work on the things that are demanded of us. Let us strive for each day to do better and foster new ideas and solutions for our everyday concerns. We stand knocking on the door of a new millennium. And this morning and this afternoon from this rostrum, I stand with my hand outstretched to you, hoping that you will join me in crossing that threshold of hope and opportunity on behalf of all men and women and children who call this, our beloved Florida, home. Thank you. Thank you for this great opportunity. God bless you. [applause]

#### **Suspension of the Rules for Committee Meetings and Bills**

On motion by Rep. Arnall, the rules were suspended and committees were given permission to meet November 18-20, as outlined in the Calendar, if notice was received by the Clerk by 4:30 p.m. today. The suspension did not allow for consideration of legislation.

#### **Motion**

On motion by Rep. Crady, the rules were suspended and all organization remarks were ordered spread upon the *Journal*.

#### **Committee from the Senate**

A committee from the Senate consisting of Senators Webster, Dawson-White, Meek, Saunders, and Carlton was received and announced that the Senate was organized.

#### **Excused**

Rep. Kosmas

#### **Adjournment**

On motion by Rep. Arnall, the House adjourned at 12:36 p.m. *sine die*.

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#### **Select Committee**

The Speaker advised that he had created, under Rule 18, a Select Committee to Review the Charges of a Contested Seat in District 46 and had appointed Reps. Byrd, Warner, Ritter, and Wiles to serve with Rep. Feeney, Chair.

The committee shall hold a hearing and report its findings and recommendations as soon as reasonably possible in accordance with Rule 5(b).

#### **Oath of Office Administered**

Rep. Kosmas was administered the oath of office by the Honorable John B. Phelps, Clerk, in the Chamber on November 19, 1998.

#### **CERTIFICATE**

THIS IS TO CERTIFY that the foregoing pages numbered 1 through 39, inclusive, are and constitute a complete, true, and correct journal and record of the proceedings of the House of Representatives of the State of Florida at the Organization Session of the 79th House since Statehood in 1845, convened under the Constitution, held November 17, 1998.

Clerk of the House

Tallahassee, Florida  
November 19, 1998