



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

## ORGANIZATION SESSION

Tuesday, November 21, 2000

Journal of the House of Representatives for the Organization Session of the 80th 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 21, 2000, 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 John Thrasher, retiring Speaker. Mr. Thrasher 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, Katherine Harris, 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 Seventh day of November, A.D., 2000, as shown by the election returns on file in this office:

HOUSE DISTRICT NUMBER	ELECTED MEMBERS
1—	Jeff Miller, Pace
2—	Jerry L. Maygarden, Pensacola
3—	Holly Benson, Pensacola
4—	Jerry Melvin, Fort Walton Beach
5—	Donald Brown, DeFuniak Springs
6—	Allan Bense, Panama City
7—	Bev Kilmer, Quincy
8—	Curtis Richardson, Tallahassee
9—	Loranne Ausley, Tallahassee
10—	Will S. Kendrick, Carrabelle
11—	Dwight Stansel, Wellborn
12—	Aaron Bean, Fernandina Beach
13—	Mike Hogan, Jacksonville
14—	Terry L. Fields, Jacksonville
15—	E. Denise Lee, Jacksonville
16—	Mark Mahon, Jacksonville
17—	Stan Jordan, Jacksonville
18—	Don Davis, Jacksonville
19—	Dick Kravitz, Jacksonville
20—	Doug Wiles, Saint Augustine
21—	Joe H. Pickens, Palatka
22—	Perry C. McGriff, Jr., Gainesville
23—	Ed Jennings, Jr., Gainesville
24—	Dennis K. Baxley, Ocala
25—	Carey Baker, Mount Dora
26—	Joyce Cusack, Deland
27—	Evelyn Lynn, Ormond Beach
28—	Suzanne M. Kosmas, New Smyrna Beach
29—	Randy Ball, Mims
30—	Mike Haridopolos, Melbourne
31—	Mitch Needelman, Melbourne
32—	Bob Allen, Rockledge
33—	Tom Feeney, Oviedo
34—	David J. Mealor, Lake Mary
35—	Jim Kallinger, Winter Park
36—	Allen Trovillion, Winter Park
37—	David Simmons, Longwood
38—	Frederick C. Brummer, Apopka
39—	Gary Siplin, Orlando
40—	Andy Gardiner, Orlando
41—	Randy Johnson, Celebration
42—	Hugh Gibson, Lady Lake
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, Holiday
49—	Larry Crow, Tarpon Springs
50—	Kim Berfield, Clearwater
51—	Leslie Waters, Pinellas Park
52—	Frank Farkas, St. Petersburg
53—	Charlie Justice, St. Petersburg
54—	John Carassas, Belleair
55—	Frank Peterman, Jr., St. Petersburg
56—	Sandra L. Murman, Tampa
57—	Chris Hart, Tampa
58—	Bob Henriquez, Tampa
59—	Arthenia L. Joyner, Tampa
60—	Sara Romeo, Tampa
61—	Ken Littlefield, Dade City
62—	Johnnie B. Byrd, Jr., Plant City
63—	Dennis A. Ross, Lakeland
64—	Paula Dockery, Lakeland
65—	Marty Bowen, Winter Haven
66—	J D Alexander, Winter Haven
67—	Michael S. Bennett, Bradenton
68—	Mark G. Flanagan, Bradenton
69—	Donna (Azar) Clarke, Sarasota
70—	Nancy C. Detert, Venice
71—	“Jerry Paul”, Englewood
72—	Lindsay M. Harrington, Punta Gorda

73—Bruce Kyle, Fort Myers  
 74—Jeff Kottkamp, Cape Coral  
 75—Carole Green, Fort Myers  
 76—J. Dudley Goodlette, Naples  
 77—Joseph R. Spratt, LaBelle  
 78—Richard A. Machek, Delray Beach  
 79—Frank Attkisson, Kissimmee  
 80—Stan Mayfield, Vero Beach  
 81—Gayle Harrell, Stuart  
 82—Joe Negron, Stuart  
 83—Jeff Atwater, North Palm Beach  
 84—James “Hank” Harper, Jr., West Palm Beach  
 85—Lois J. Frankel, West Palm Beach  
 86—Susan Bucher, West Palm Beach  
 87—William “Bill” Andrews, Delray Beach  
 88—Anne M. Gannon, Delray Beach  
 89—Irving Slosberg, Boca Raton  
 90—Mark Weissman, Parkland  
 91—Connie Mack, Ft. Lauderdale  
 92—John P. “Jack” Seiler, Ft. Lauderdale  
 93—Christopher L. Smith, Ft. Lauderdale  
 94—Matthew “Matt” Meadows, Lauderhill  
 95—Ron Greenstein, Coconut Creek  
 96—Stacy Ritter, Coral Springs  
 97—Nan H. Rich, Weston  
 98—Roger Brian Wishner, Sunrise  
 99—Tim Ryan, Dania Beach  
 100—Eleanor Sobel, Hollywood  
 101—Kenneth A. Gottlieb, Hollywood  
 102—Rafael “Ralph” Arza, Hialeah  
 103—Wilbert “Tee” Holloway, Miami  
 104—Frederica S. Wilson, Miami  
 105—Sally A. Heyman, North Miami Beach  
 106—Dan Gelber, Miami Beach  
 107—Gustavo A. Barreiro, Miami Beach  
 108—Phillip J. Brutus, North Miami  
 109—Dorothy Bendross-Mindingall, Miami  
 110—Rene Garcia, Hialeah  
 111—Marco Rubio, Miami  
 112—Mario Diaz-Balart, Miami  
 113—Manuel Prieguez, Miami  
 114—Gaston Cantens, Miami  
 115—Renier Diaz de la Portilla, Miami  
 116—Annie Betancourt, Miami  
 117—Carlos Lacasa, Miami  
 118—Edward B. Bullard, Miami  
 119—Cindy Lerner, Miami  
 120—Ken Sorensen, Key Largo



GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this 16th day of November, A.D., 2000.

**KATHERINE HARRIS**  
 SECRETARY OF STATE

## Prayer

The following prayer was offered by the Honorable Carl Littlefield:

Our Father, it is fitting and in order that we pause today and thank You. We offer up thanksgiving not only as a dutiful commemoration of the coming holiday celebration, but more than that, because it best reflects the fullness of our hearts. We thank You most of all for being a present help.

Thank You for Your guidance and watchfulness over this assembly. Thank You for empowering the leaders of this House with wisdom, compassion, and understanding; and thank You for being only a prayer away as they go about the business of our great state.

Knowing that You are only a prayer away, we pray humbly and purposefully today. We pray for our nation. In our effort to seat a

president, we are without perfect closure and, therefore, without perfect peace. Guide our perspectives Lord. In this interlude of time and amid all the posturing and strategizing, may we find comfort in knowing that ultimately “there is no power but of God: and that the powers that be are ordained of God.”

Help us to realize that ultimately, in the words of the ancient prophet, “the Kingdoms of this world are become the Kingdoms of our Lord, and He shall reign for ever and ever.” Help us to understand that ultimately and victoriously “the government shall be upon His shoulders... [and] of His government and peace there will be no end.”

Help us all, O Lord, to prepare the way for that destined tomorrow by preparing ourselves to be leaders today. Leaders great, yet servants still.

May Your spirit of grace and mercy ever be our portion. Encompass us with Your loving kindness. Overshadow us with Your truth. Undergird us with Your peace. Let the words of our mouths, and the meditations of our hearts, be acceptable in your sight, O Lord, our strength and our Redeemer.

Watch over this house, we pray. In all of their deliberations may there be a sense of gratefulness unto You. And, may faithful stewardship of their offices and assigned responsibilities be the crowning achievement of each Member.

Now unto You, O God, who can keep us from falling, and present us faultless before the presence of Your glory with exceeding joy, to the only wise God our Savior, be glory and majesty, dominion and power, both now and forever. Amen.

The following Members were recorded present:

### Session Vote Sequence: 1

Alexander	Crow	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Pickens
Arza	Diaz-Balart	Joyner	Prieguez
Attkisson	Dockery	Justice	Rich
Atwater	Farkas	Kallinger	Richardson
Ausley	Fasano	Kendrick	Ritter
Baker	Feeny	Kilmer	Romeo
Ball	Fields	Kosmas	Ross
Barreiro	Fiorentino	Kottkamp	Rubio
Baxley	Flanagan	Kravitz	Russell
Bean	Frankel	Kyle	Ryan
Bendross-Mindingall	Gannon	Lacasa	Seiler
Bennett	Garcia	Lee	Simmons
Bense	Gardiner	Lerner	Siplin
Benson	Gelber	Littlefield	Slosberg
Berfield	Gibson	Lynn	Smith
Betancourt	Goodlette	Machek	Sobel
Bilirakis	Gottlieb	Mack	Sorensen
Bowen	Green	Mahon	Spratt
Brown	Greenstein	Mayfield	Stansel
Brummer	Haridopolos	Maygarden	Trovillion
Brutus	Harper	McGriff	Wallace
Bucher	Harrell	Meadows	Waters
Bullard	Harrington	Mealor	Weissman
Byrd	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	Wishner
Clarke	Hogan	Needelman	

A quorum was present.

## Pledge

The Members, led by Tommy Feeny, son of Speaker-designate Feeny, and the following children and grandchildren of the Members of the House of Representatives, pledged allegiance to the Flag. The

children of the Members included: Roger Amundsen II and Gailanne Amundsen, nephew and niece of Rep. Allen; Keaton and Britton Alexander, daughters of Rep. Alexander; Ben and Chris Attkisson, sons of Rep. Attkisson; Amanda Atwater, daughter of Rep. Atwater; Natalie Barreiro, daughter of Rep. Barreiro; Rob Davis, grandson of Rep. Davis; Meghan, Kevin, and Brendan Flanagan, daughter and sons of Rep. Flanagan; Taylor Grayson and Ryan McGriff, granddaughter and grandson of Rep. McGriff; Daniel Levinson, grandson of Rep. Rich; Evan, Samuel, and Coleman Mayfield, sons of Rep. Mayfield; Becca and Jonathan Negron, daughter and son of Rep. Negron; Shane and Travis Ross, sons of Rep. Ross; and Alexandra Weissman, daughter of Rep. Weissman.

### House Physician

The Chair introduced Dr. James Harrell, husband of Rep. Harrell, who served as Doctor of the Day.

### Presentation of Guests

The Chair presented the following former Speakers: the Honorable Donald L. Tucker, the Honorable Ralph H. Haben, Jr., the Honorable H. Lee Moffitt, and the Honorable James Harold Thompson.

The Chair presented the following former Republican Leaders: the Honorable Jim K. Tillman, 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.

Additionally, the Chair introduced the following guests: the Honorable Katherine Harris, Secretary of State; the Honorable Tom Gallagher, Commissioner of Education; the Honorable Bobby Brantley, former Lieutenant Governor; the Honorable Connie Mack, U.S. Senator; the Honorable Mark Foley, U.S. Congressman; the Honorable C. William "Bill" Nelson, Treasurer and Commissioner of Insurance; the Honorable Robert A. Butterworth, Attorney General; the Honorable Adam H. Putnam, former Member of the House; the Honorable Frank Brogan, Lieutenant Governor; the Honorable Robert B. Crawford, Commissioner of Agriculture; the Honorable Charlie Crist, Jr., former Senator; the Honorable Jeb Bush, Governor; and the Honorable Javier D. Souto, former Senator.

### Notice of Contest

**Former Speaker Thrasher (The Chair):** The Clerk has received notice of a contest of election of District 17. 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 convened to hear the substance of the contest.

This procedure will ensure that the citizens of District 17 are properly represented in the House while at the same time giving all parties to the contest the 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 Charles T. Wells, 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 Charles T. Wells, Florida Supreme Court.

### Election of the 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 in order for Speaker of the House of Representatives, under Article III, Section 2, of the Florida Constitution, for a term of two years beginning today.

Rep. Fasano nominated the Honorable Tom Feeney for Speaker.

**Rep. Fasano:** Mr. Speaker, Chief Justice, Members, what a distinct pleasure it is for me to stand before you today and nominate our next Speaker of the Florida House of Representatives. A position that is not achieved by arrogance or greed, but by compassion and countless acts of compromise. A position that must exhibit the will, fortitude, and foresight to do what is right, which is not always the desired. A position that cannot, must not, and will not sacrifice the good of the whole for the good of the one. Today we are here to choose that person, a moralistic and ideological conservative. Tom Feeney has personified all things decent and pure in public service. He has traveled a long road, seeing and hearing our state and its people in ways that many of us will never do. He has served in the majority. He has served in the minority. He has sat back there. He has sat up here. He has been appointed to our committees. He has been removed from our committees. But, through all the changes over the years one thing has remained, Tom Feeney, the man.

Now, we all know an apple is only as good as the tree it has fallen from. And evidently, they grow pretty good trees in Pennsylvania. The only son of two educators and the brother to three sisters, Tom learned early on the importance of two key modes of survival. First, always appreciate the importance of a good sound education. If there ever was a slight relapse or retention floor towards this, a swift and accurate hand to the back side was always an effective tool, in recollection.

As the story goes, young Thomas did have a mind of his own, often proving not always to be the most attentive student in class. It was pretty common to see Thomas in the back of the room making strange faces at the teachers or attempting to body check his classmate out of his desk. Although he would later become a human study of historical, legal, and political affairs, Tom's astute persona did have a humbling beginning. Secondly, womens', sisters' rights, which will be respected and adhered to, no questions asked. Although the future leader of his high school debate team would have to learn to bite his tongue—an art that many say he has yet to master—in the end he did what was necessary to appease his sisters, Carole, Joanne, and Ellen.

In 1976, Tom enrolled at Penn State University. Graduating with a Political Science degree, Tom decided to pursue his law degree at the University of Pittsburgh. It was there that he met his wonderful wife of seventeen years, Ellen. Upon graduation in 1983, the two of them struck out to Florida. And now, fifteen years later, they are proud parents of two handsome young men, Tommy and Sean Patrick.

Tom began his political career, as many of us, a political neophyte. In his first race no one thought he had a chance. He faced overwhelming odds, challenging the power brokers of Tallahassee and the skepticism that surrounds a little-known candidate for State House. He campaigned hard, he campaigned fast, and he campaigned often—convincing the District 37 voters that a change was not only necessary, but also essential in Tallahassee. You see, the status quo was no longer acceptable. The ways of the old needed to adhere to a new way of governing. His aggressive style and determination quickly caught on to the voters. It was Tom's youthful energy and Reaganesque view that we can do better, that the voters identified with. And, the press quickly labeled him a maverick, a title Tom has gladly accepted. It was a persona that Tom and his supporters felt Tallahassee needed. You see the district had begun aching for someone who had the courage to stand on their convictions and the intelligence to defend them. Someone who had a keen sense of history and respect not only for where our country had been, but where it was going. Someone who would not just solve the state's problems, but find out why the problem existed in the first place. But most importantly, the district was in search for someone who was willing to go to battle every minute of every hour of every day for its constituents. And on November 6 of 1990, Tom Feeney was elected to the Florida House of Representatives.

In Tallahassee, Tom wasted little time in fitting in with his Republican colleagues. Now, you have to understand in those days it was a little bit different for the GOP, and there weren't many of them in the House. As it were in his school days in Pennsylvania, Tom again found himself in the back row, flanked by the likes of Chris Corr, Paul Hawkes, Dan Webster, Debby Sanderson, and others. Tom fought tooth and nail for many initiatives that we now know as Florida law.

He was one of the first to speak out against Florida's welfare system. Although labeled cruel by the status quo, getting people off welfare and into the work force was paramount to Tom. He was the first in Florida to speak openly about school vouchers, a view that eventually got Tom dismissed from the Committee of Education. However, in 1992, Tom received Outstanding Legislative Member of the Year presented by the American Legislative Exchange Council. In 1994, as many of you know, Tom joined the Jeb Bush ticket as candidate for Lieutenant Governor of Florida. The Bush-Feeney ticket captivated voters with its fast-paced, upbeat style of campaigning. This fit Tom perfectly. Never before had the state seen such an energetic and youthful ticket. Traveling to every corner of the state, Tom was an ideal fit to spark a new sense of optimism and trust in Florida's elected leaders. It was an opportunity for Tom to utilize his vast knowledge on the issues and his enthusiasm for Florida's future. Although in the end, coming up short in the closest gubernatorial election in the history of Florida, it was an event that would shape Tom Feeney forever. And to this day, he refers to that race as the most successful campaign he has ever been part of, not because of the slight margin of defeat or the attention he garnered as a candidate. It was simply because at no point during that campaign, although down in the polls and advised to the contrary, was there ever a principle softened or a stance switched. Never did a crowd see or hear anything other than Tom Feeney, real and raw. The Tom Feeney that had started the race for the Lieutenant Governor was the same Tom Feeney who had finished the race and nowhere in between had anyone seen any difference. After the 1994 election, Tom returned to his legal practice. Although engrossed in work days in real estate and business law, Tom wasn't completely out of the political scene. You see in March of 1995, Tom was asked by the International Republican Institute to travel to Macedonia and lecture political leaders of this new democracy on policy, political strategy, and of course, his favorite, constitutional government. Now we all know the old saying, you can't keep a good man down. Well they're right. And that rang loud and true in the spring of 1996. And that April, Tom Feeney was elected once again to the House of Representatives in a special election. You see legal pads and dictaphones had proven to be too much or too little for Tom. There was so much to be done, so many initiatives that had gone unfinished, so many battles still to be fought in Tallahassee. And now Tom would have more soldiers to march with, in fact, his team was winning. And quite frankly, he would have a better seat on the floor of the House. And little did he know, ladies and gentlemen, how good that seat would eventually get. His first term back, Tom was appointed Majority Council liaison under Speaker Webster. In appointing Tom in a role of leadership Speaker Webster had a talented orator and a legal mind that was unparalleled in the legislature. Renewing many of his old battles, Tom was at the forefront of major reforms on education and welfare, never losing sight of the overall good of the people. That is the spirit Tom Feeney serves in to this day. Having been Chairman of the Procedural Council under Speaker Thrasher, Tom was unanimously elected by his peers as Speaker-designate in August of 1999, to serve as this body's next leader. And now today, fifteen months later, we gather today to remove the "designate" from his title.

Today's society produces very few individuals who have the whereforall to put aside all personal ambitions and desires in order to make way for those convictions and ideals that make a person who they are. Someone who embraces a core set of principles and not only believes in them, but lives by them. Someone who conducts their life not influenced by what could be but rather what should be. Tom Feeney is a product of such character. It would be acutely unfair to say that Tom Feeney is a man who believes in his principles for, you see, he is his principles. From a political standpoint, it is very simple, Tom believes in less government, less taxation, more personal freedoms, and more accountability. He believes that our forefathers established a constitutional government that at best is a limited role in our lives. He believes that we are all responsible for our actions, whether we choose to accept it or not. He recognizes that all people, especially our children, have the capability to succeed if given that chance. He has an undeniable faith in America, often saying that our most difficult challenge is not because of stagnation, but because many pundits fear that a new idea might actually succeed. Ladies and gentlemen, it has been said in the State of Florida: Before there was Bush-Brogan there was Bush-Feeney. And before there was Bush-Feeney there was just Feeney. And I stand before you today in accordance with the

Constitution of the State of Florida in hereby nominating the 80th Speaker of the Florida House of Representatives, Thomas Charles Feeney III. [applause]

Rep. Byrd seconded the nomination of Rep. Tom Feeney for Speaker.

**Rep. Byrd:** Thank you, Mr. Speaker. Members, honored guests, it's been an incredible journey for Representative Tom Feeney. For those of you who knew him in the beginning, those who got on board along the way, and those of you who will learn to love him as I do.

Down in Tampa, we lay claim to Teddy Roosevelt, seems he came through with the Rough Riders, and made his mark in our area of the world. And Teddy said this; he said: "In any moment of decision the best thing you can do is the right thing, the next best thing is the wrong thing, and the worst thing you can do is nothing." The wrong thing is to do nothing. And I tell you men and women here today, Tom Feeney will lead us into the next millennium. The future is bright for all of us. He is not a man of do-nothing, he is an Irish street fighter, philosopher, and he is a servant-leader. He sincerely believes that to be the leader of all, he must be the servant of all.

Join me in supporting my friend, the leader of the next millennium, Tom Feeney as Speaker of the Florida House of Representatives. [applause]

Rep. Argenziano seconded the nomination of Rep. Tom Feeney for Speaker.

**Rep. Argenziano:** Well, Tom, the day is here. I am so proud and honored today. I am going to get choked up, excuse me. What I can tell you new Members, and I am not going to cry, God—I am not going to do that—I'm tough, see? [laughter] What I can tell you Members is that I have found myself in the few years that I have been here in some tough, tough spots, right, Mr. Speaker? Sometimes believe it or not, the older Members know, sometimes I've even had some difficulties with the Speaker. But you know what, Mr. Speaker, I really learned a lot from you. But, Tom Feeney—and I know he'll do this for each one of you—I get emotional, I am sorry, I said I wasn't going to cry, darn. Tom, I am really happy for you. These are not tears of sorrow, it's tears of happiness. But, I want you to know that that man has helped me tremendously while I have been here. In the tough spots, and I have been in several of them, God knows, Tom, I'm sorry I may be in a few more. [laughter] That's a warning! He has really, truly been a good friend. And, when you get in those tough spots, I know he was there helping me behind the scenes and then coming and talking to me and telling me you know—and he would tell other people you got to understand her, she is just a little Italian from Brooklyn, but she gets emotional. [laughter]

And, he really, really is a fantastic, fantastic human being. He's not arrogant, he's wise, he really is, you are going to discover this. He's not selfish and he's very understanding.

And Tom, I know that growing up with three sisters has got you prepared, because we have got a lot of women that keep coming into the House. [applause] And what I know he's going to do is listen to every one of us, no matter whether we sit in the back row or in the front, I know that of him. And he is going to do that, and he'll make you just as successful as all the other men. And sometimes, you know what, he will let us in that loop, I think, where sometimes it's been reserved for just the boys. So, girls, believe me, take it from me, he's a genuine individual and he's there for everybody in the House. And I just wish you the best and I am looking forward to serving under such a wonderful, wonderful person, and congratulations. I second the nomination. Yes! [applause]

Rep. Lacasa seconded the nomination of Rep. Tom Feeney for Speaker.

**Rep. Lacasa:** Thank you, Mr. Speaker. I will direct my remarks to the new Members of the House of Representatives. I'd be very surprised if there was a single one among you who didn't have a burning desire in your bellies right now to get started making policy and governing the great State of Florida. And you're very, very fortunate because we have before us a candidate for Speaker of the House who understands about history and understands about philosophy. And understands how

important it is to have these basic things as a foundation for what we do here—setting policy. I have watched Tom Feeney fight battles for choice for families that want to educate their children. I've seen him, I've seen him—excuse me, I am excited too. This is very exciting. We have, against a backdrop of constitutional crisis, all eyes of the nation upon us, we have Tom Feeney to support for Speaker today.

I am excited because I watched him support freedom of speech for people who wanted to put an expression on a license plate, a very controversial expression, and he put everything on the line, because he believed that expression is equal for everyone and should be defended for everyone even the smallest minority. I watched Tom Feeney proffer a budget. I didn't watch it, I actually saw it, proffer a budget as a member of the minority, because he did not agree with the budgetary priorities of the majority at the time. Such a man of boldness and decision must be, must be an excellent candidate for Speaker of the House. And all of you new Members will see in him support for your zeal, for your ideas. He won't stifle debate, he won't stifle new concepts for how to govern the state, and that is the most important thing you need to be successful personally and to be successful for your district and for your state.

Supporting Tom Feeney is supporting innovation and debate and deliberation. For this reason I nominate Tom Feeney for Speaker of the House. [applause]

Rep. Wilson nominated the Honorable Lois Frankel for Speaker.

**Rep. Wilson:** Mr. Speaker, Members, honored guests, and families, I am pleased to have the wonderful opportunity to stand here today to place in nomination the name of Lois Frankel as Speaker of the Florida House of Representatives 2000-2002.

With the historic number of new Members taking their place in this great institution it is important for us to pause and to remember that this House is a place where the future of this state is shaped. In the name of the constituents who sent us here to stand up for their interests, we must remember that each of us has a tremendous opportunity to leave a positive and lasting influence on our great state's future.

Lois Frankel is a visionary leader who deeply understands the awesome responsibility we have to the people of our state. She not only understands the sacrifices that we have made to serve in this place of honor, she also knows the high hopes, unending dreams, and great expectations our citizens have for us as their elected representatives. Throughout her 12 years in this great House, Lois Frankel has served with great distinction. She has demonstrated through her actions a deep dedication to the principle that we are here to work to help make the lives of our citizens even better. Her greatest achievements, as an esteemed Member of this body, have all been focused on improving the health, safety, and welfare of our precious children, our hard working families, and our dear, dear seniors. She has earned our mutual respect and admiration through her deeds and our most vulnerable citizens.

Her list of accomplishments include, but are not limited to: working tirelessly to reduce family violence; raising childcare standards so that our children are safe and secure in a place when their parents are at work; encouraging fathers to be more involved with their children; serving as a champion for health education; and being among the first to stand up and fight in order to steer our children away from alcohol and tobacco. No matter where you stand you have to admire Lois Frankel. Her tenacity, her vitality, and work ethic serves as an inspiration to all Members of the House. Her compassion is only matched by her passion to serve our citizens and uphold the highest standards of leadership in this House.

One hundred years from now it will not matter how much money Lois Frankel made, what kind of car she drove, what kind of house she lived in. What will matter is that because she lived, she left the world a better place for children, even those yet unborn. History will record that she was a drum major for justice. Working people will say that she was a drum major for fairness. The State of Florida will echo that she was a drum major and an advocate for all the right issues and all of the shallow things will not matter. She has demonstrated through her deeds and declarations in this House that she is a compassionate leader for the people of Florida. For that, Lois Frankel has earned her chance to serve

as Speaker of this great House of Representatives and, for that, I am honored to place her name in nomination to serve with distinction, honor, grace, and dignity as Speaker of the Florida House of Representatives. Thank you. [applause]

Rep. Henriquez seconded the nomination of Rep. Lois Frankel for Speaker.

**Rep. Henriquez:** Thank you, Mr. Speaker. Honored guests, Members, particularly new Members, and of course, the family and friends that are here, I'm happy to stand to second the nomination for Representative Lois Frankel, today, as Speaker of the House. Those of us who know Lois, and those new Members will get to know Lois, know that she is not afraid of taking on tough jobs. In fact, she looks forward to the hardest challenges and, believe me, she has some tough challenges ahead of her. In the Democratic Caucus, I can say that no one has worked harder and been more steadfast to try to achieve a goal than Lois Frankel has. No matter what side of the aisle you are on, whether you sit in the front of the Chamber or the back, you know that she has worked with one hundred percent of her energy and she works very hard for what she believes in. That's the kind of public service that she has brought to her constituents for over 12 years now as a Member of this House. She brings to this Chamber the ethic of hard work, to our citizens, unmovable commitment to serving this state and upholding the shared values of our communities.

As a member of the Democratic Caucus, I can tell you that Lois has tried, and has worked, and continues to work, to unify our Caucus. And believe me, that's not an easy task. She deserves much credit for taking on this task and we've recognized her as the first woman to be a House Democratic [minority] Leader in history. In Lois Frankel we have a true leader who understands the challenges our citizens face and she'll work every day because she lives and loves her service as a Member of this great House. That is why I am pleased to stand today and second the nomination of Lois Frankel as Speaker of the Florida House of Representatives. Thank you. [applause]

On motion by Rep. Mahon, seconded by Rep. Fasano, nominations ceased and Reps. Feeney and Frankel were declared nominees for Speaker.

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

Session Vote Sequence: 9001

Feeney—78

Alexander	Byrd	Haridopolos	Mealor
Allen	Cantens	Harrell	Melvin
Andrews	Carassas	Harrington	Miller
Argenziano	Clarke	Hart	Murman
Arza	Crow	Hogan	Needelman
Attkisson	Davis	Johnson	Negron
Atwater	Detert	Jordan	Paul
Baker	Diaz de la Portilla	Kallinger	Pickens
Ball	Diaz-Balart	Kendrick	Prieguez
Barreiro	Dockery	Kilmer	Ross
Baxley	Farkas	Kottkamp	Rubio
Bean	Fasano	Kravitz	Russell
Bennett	Feeney	Kyle	Simmons
Bense	Fiorentino	Lacasa	Sorensen
Benson	Flanagan	Littlefield	Spratt
Berfield	Garcia	Lynn	Trovillion
Bilirakis	Gardiner	Mack	Wallace
Bowen	Gibson	Mahon	Waters
Brown	Goodlette	Mayfield	
Brummer	Green	Maygarden	

Frankel—42

Ausley	Bullard	Gelber	Heyman
Bendross-Mindingall	Cusack	Gottlieb	Holloway
Betancourt	Fields	Greenstein	Jennings
Brutus	Frankel	Harper	Joyner
Bucher	Gannon	Henriquez	Justice

Kosmas	Peterman	Seiler	Weissman
Lee	Rich	Siplin	Wiles
Lerner	Richardson	Slosberg	Wilson
Machek	Ritter	Smith	Wishner
McGriff	Romeo	Sobel	
Meadows	Ryan	Stansel	

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

Rep. Frankel moved to record a unanimous vote for Rep. Tom Feeney as Speaker.

**Rep. Frankel:** Thank you, Mr. Speaker. You think I can have a recount? [laughter] [applause]

**The Chair:** Not on my watch, Representative Frankel. [laughter] [applause]

**Rep. Frankel:** I tell you what, Mr. Speaker, my son is sitting back here and about halfway through the voting, he turned to me and said, "You know, Mom, things don't look so good." [laughter]

Actually, I think things look terrific and I want to congratulate Tom Feeney and just say on behalf of the Democrats that we look forward to a new bipartisan spirit and may our differences be respectful. And with that, Mr. Speaker, I would like to move a unanimous vote be recorded for Tom Feeney as Speaker. [applause]

**Rep. Wiles:** On behalf of the remainder of the House Democratic Caucus I respectfully second the motion of Representative Frankel.

By unanimous acclamation, Tom Feeney was declared Speaker of the House of Representatives.

On motion by Rep. Dockery, seconded by Rep. Harper, the Chair appointed Reps. Flanagan, Andrews, Lynn, Trovillion, and Maygarden as a committee to escort Speaker Feeney and his family to the rostrum.

#### Committee from the Senate

A committee from the Senate consisting of Senators Webster, Posey, Miller, and Villalobos was received and announced that the Senate was organized.

#### Oath of Office Administered

Chief Justice Charles T. Wells, Florida Supreme Court, administered the Oath of Office to the Speaker.

#### Presentation of the Speaker

Rep. Trovillion presented the Honorable Tom Feeney, Speaker of the House of Representatives.

**Rep. Trovillion:** I would like to now introduce the family and other guests who stand with me. The Members will hold their applause until I'm finished. First of all I'd like to introduce—I've got to look around and see where they are—Tom's father, Tom Feeney; his mother, Betty Feeney; his sister Carole [Mason]; sister and her husband, Joanne and Doug Laman; aunt and uncle, Ed and Darlene Feeney; and Jennifer Feeney, his niece. Also, I'd like to introduce his good friend and law partner, Skip Fowler and his wife [Barbera]. Also, I'd like to introduce some of his closest friends, Al and Beth McKenna, Dean and Tammy Campbell, Chris Coor, Michael Guacci, and Ron Campbell. I would also like to introduce a very important part of that family, and that is his wife, Ellen. [applause]

And now I would like to present to you, formally, the Speaker of the House, Tom Feeney. [applause]

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

#### THE SPEAKER IN THE CHAIR

### Election of the Speaker pro tempore

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

Rep. Dockery nominated the Honorable Sandra L. Murman for Speaker pro tempore.

**Rep. Dockery:** It felt very good to be the first to recognize you, Mr. Speaker. Thank you colleagues and honored guests. Organization Session is always an exciting time filled with a spirit of anticipation and optimism. It's a time when we as a legislative body decide on who should lead us for the next two years to enact policy that will affect the 15 million Floridians we represent. This organization session has a greater challenge. Because of the enactment of term limits for the Florida Legislature we have an incredibly large turnover in the Florida House. Sixty-three of the 120 seats will be represented by the newly elected Members.

The freshman legislators have a tremendous learning curve facing them before the start of the 2001 Session. Therefore the choice of leadership becomes crucial to the successful spirit of cooperation among the 120-member body.

The person who is selected to serve as Speaker pro tempore will serve as a catalyst for the unity of the Florida House and will help set the tone for our common goal of serving the people we represent. Although no one here is naive enough to believe that we can operate in a truly non-partisan fashion, I sincerely believe that every Member of this House has the interests of his or her constituents and the welfare of our great state as their guiding principle.

Our leaders must foster this respect for one another and for the position we are entrusted with by setting an example for us. It is with this thought in mind that I nominate Representative Sandra Murman to lead us as our Speaker pro tempore.

Those who have served in this position before her have had the advantage of a much longer tenure in the Legislature to learn the finer nuances of the process. There is, however, no doubt in my mind that Sandra Murman is well suited and more than able to assume this awesome responsibility. Representative Murman was first elected in 1996 and has become a very effective Member focusing her attention and talents on children's issues. She has become well-known and respected for her dedication to battling issues such as reform of our child welfare system, education policy, and the abandoned baby legislation. She has handled tough issues with a calm demeanor which belied all the controversy she was facing. I remember during the final week of last session, Representative Murman was standing up, microphone in hand, while literally a dozen other legislators were surrounding her. In a calm and confident manner she continued with her presentation and asked to temporarily pass her bill to work out some minor details. She was ultimately successful in passing her bill after forging consensus with those expressing concern. What really impressed me was her ability to maintain composure while the legislation seemed in dire peril. Please don't confuse that mild-mannered calmness with a lack of passion. Representative Murman is passionate about children's issues and is one of the hardest working Members I have known. As I have had the privilege to be her roommate for the past three years, I have seen a woman who takes her responsibility very seriously. Many times I have arrived home to find her surrounded by volumes of bills and bill-related information preparing for the next day.

Representative Murman is a peacemaker. She likes to bring people together to work for a common cause. She understands the need to form consensus, the need to tap into the talents of others, the need to include all points of view. We each bring with us an expertise on one or more issues and we each have different talents. Individually we are 120 Representatives, capable of accomplishing some. Collectively we are capable of so much more. We need someone who can bring out the best in each of us. We were all elected in the same manner, we all represent roughly the same number of constituents, we all have an equal vote and it is important to remember that each one of us can have the same

impact on this floor of this House. Representative Sandra Murman understands the importance of each Member and is willing to help each of us achieve all that we can in this process to better serve the people of the great State of Florida who have put their trust in us.

Sandra Murman is ready for the challenge and we are very fortunate that she is willing to accept this awesome responsibility. It is my deep honor and privilege to nominate my colleague, my roommate, and our friend, Representative Sandra Murman, to be our Speaker pro tempore. [applause]

Rep. Maygarden seconded the nomination of Rep. Sandra L. Murman for Speaker pro tempore.

**Rep. Maygarden:** Thank you, Mr. Speaker. Members, family, distinguished guests, what a great privilege it is for me to stand here and second the nomination of our friend, Sandra Murman, for Speaker pro tempore of the Florida House of Representatives.

You know, outside this building the eyes of the world are really riveted on Florida; wondering who our next leader will be, what the agenda will be, what the future will be like for the United States of America. We were reminded on Sunday of this week, Mr. Speaker, by Secretary William Bennett, the importance of ethical leadership, and how the best teacher is example. And I'm truly proud to be here with Members of this House, Republicans, Democrats alike, gathered peacefully, cooperatively to select our leadership for the next two years. What a wonderful privilege it is to be a part of this democracy and to provide leadership for this great state as we move forward. For leaders to succeed they must be an example, and Sandra Murman has been a tremendous example for this House. She's worked diligently in her district. She shook the hands of her constituents. She brought back their needs, their desires, their wants to this floor, and she supported them whole-heartedly day after day. She's a hard, hard worker.

Sandra, down at my house my momma raised boys. And every year at Christmas time or the birthday they would say, "What would you like to have as a gift?" And invariably we said, "A little sister." [laughter] But I never had an opportunity to have a little sister, but our relationship in this House, with all of us, borders on family. I'm proud to join you as a brother and sister in progress. And I am delighted you're going to be our Speaker pro tem. And for that, Mr. Speaker, I second the nomination. [applause]

Rep. Kosmas nominated the Honorable Doug Wiles for Speaker pro tempore.

**Rep. Kosmas:** Thank you, Mr. Speaker. I would like to welcome all the new Members to the House of Representatives and to say hello to our distinguished guests, and to say hello to all my returning friends and Members here in the House of Representatives.

As you become active in this process and participants in the process, each of you will learn which of the Members you feel that you can like, trust, and respect. And in this process that becomes very important. So it is with pride that I am here to offer the nomination of my friend, Doug Wiles, for Speaker pro tem.

Doug and I entered the House of Representatives together in 1996, and I have come to know him in a way that I would like to introduce to you.

Doug is in the words of the old cliché, "A gentleman and a scholar." I think you will find as you work with Doug that he is a gentleman in all respects. He can work with people across the aisle, and he can treat you both respectfully and respectably. And I think you will find that an important attribute as you learn your way through the process and begin to know your fellow Members.

As a scholar I think you will find that Doug studies the issues. And he may not land on the same side of an issue that you do, but he does it based on his core values and his convictions, and the fact that he has studied the issue. I think you will come to know Doug as a leader, a leader with conviction, a leader who has championed some important causes that we hope this year to make some progress on. Some very

specific issues like teacher recruitment and retention for our public schools, so that we can have within the hands of those public school teachers—we have the lives of the future of our state of Florida. I know, Governor, that this is an issue that is important to you. We look to work in a bipartisan way to make that happen and with Doug's leadership.

He also has been a leader in campaign reform, and I think the events we are witnessing just across the street make us recognize that campaign and election reform is also going to be an issue that we need to work in a bipartisan way that we can be proud as Members of the Florida House of Representatives.

Doug is also a wonderful family man. His wife, Doris, is a partner with him in his community activism and in his public service. And I suspect, if not at least as competitive as he is in the election process, maybe more so. His daughters, Lindsay and Ashley, are the apples of his eye. And I think they have from him a mutual admiration society.

So for all these reasons I am proud to make the nomination of my friend, Doug Wiles, for Speaker pro tem. [applause]

Rep. Smith seconded the nomination of Rep. Doug Wiles for Speaker pro tempore.

**Rep. Smith:** Mr. Speaker, this country, this state, and this distinguished body is very diverse. What makes these entities great is diversity.

Ladies and gentlemen, I submit to you that Doug Wiles is the personification of inclusiveness. In the years that I have known Doug, he has successfully negotiated with the liberal south, the centrist central, and the conservative northern Members, in an effort to keep us all together within the Democratic Caucus.

He has been a trusted colleague of veteran Members and will be a role model for you freshman Members. Ladies and gentlemen, we must all take note from Doug, and use our differences in skin color, gender, religion, thoughts, and ideas not as a sword of divisiveness, but a springboard to greatness, because Doug listens and acts on our different thoughts and ideas.

So, Mr. Speaker, and my wife, Desorae, hear me and hear me well, because this is the first time and the last time you will hear this: but, this proud "Nole" is honored, proud, and happy to nominate a "Gator," [laughter] Doug Wiles, as Speaker pro tem. for the House of Representatives. Thank you. [applause]

On motion by Rep. Garcia, seconded by Rep. McGriff, nominations ceased, and Reps. Murman and Wiles were declared nominees for Speaker pro tempore.

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

Session Vote Sequence: 2

Murman—78

The Chair	Bowen	Garcia	Littlefield
Alexander	Brown	Gardiner	Lynn
Allen	Brummer	Gibson	Mack
Andrews	Byrd	Goodlette	Mahon
Argenziano	Cantens	Green	Mayfield
Arza	Carassas	Haridopolos	Maygarden
Attkisson	Clarke	Harrell	Mealor
Atwater	Crow	Harrington	Melvin
Baker	Davis	Hart	Miller
Ball	Detert	Hogan	Murman
Barreiro	Diaz de la Portilla	Johnson	Needelman
Baxley	Diaz-Balart	Jordan	Negron
Bean	Dockery	Kallinger	Paul
Bennett	Farkas	Kilmer	Pickens
Bense	Fasano	Kottkamp	Prieguez
Benson	Fields	Kravitz	Ross
Berfield	Florentino	Kyle	Rubio
Bilirakis	Flanagan	Lacasa	Russell

Simmons	Spratt	Wallace	Waters
Sorensen	Trovillion		

## Wiles—41

Ausley	Greenstein	Machek	Slosberg
Bendross-Mindingall	Harper	McGriff	Smith
Betancourt	Henriquez	Meadows	Sobel
Brutus	Heyman	Peterman	Stansel
Bucher	Holloway	Rich	Weissman
Bullard	Jennings	Richardson	Wiles
Cusack	Joyner	Ritter	Wilson
Frankel	Justice	Romeo	Wishner
Gannon	Kendrick	Ryan	
Gelber	Kosmas	Seiler	
Gottlieb	Lerner	Siplin	

## Votes after roll call:

Wiles—Lee

Change from Murman to Wiles—Fields

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

Rep. Frankel moved to record a unanimous vote for Rep. Sandra L. Murman as Speaker pro tempore.

**Rep. Frankel:** Thank you, Mr. Speaker. I won't go for a recount this time, but I want to make a motion. I also want to offer my congratulations to Rep. Murman. We look forward to working with you and with that I move for a unanimous vote be recorded for Sandra L. Murman as Speaker pro tem of the Florida House of Representatives.

**Rep. Wiles:** Mr. Speaker, it is with great honor and respect and indeed a pleasure to second the motion.

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

On motion by Rep. Farkas, seconded by Rep. Detert, the Speaker appointed Reps. Argenziano, Harrington, Spratt, Alexander, and Lynn as a committee to escort Speaker pro tempore Murman and her family to the rostrum.

The Speaker introduced the Speaker pro tempore's husband, Jim Murman, and her daughter, Michele Murman.

**Oath of Office Administered**

Chief Justice Charles T. Wells, Florida Supreme Court, administered the Oath of Office to the Speaker pro tempore.

Chief Justice Charles T. Wells, Florida Supreme Court, administered the Oath of Office to John B. Phelps as Clerk of the House.

Chief Justice Charles T. Wells, Florida Supreme Court, administered the Oath of Office to Earnest W. Sumner as Sergeant at Arms.

**Committee to the Senate**

On motion by Rep. Diaz-Balart, seconded by Rep. Goodlette, the Speaker appointed Reps. Diaz de la Portilla, Pickens, Romeo, Mayfield, Ryan, Goodlette, and Diaz-Balart as a committee to inform the Senate that the House was organized.

The committee was excused to execute its responsibility.

**Presentation of Speaker pro tempore**

The Speaker presented the Honorable Sandra L. Murman, Speaker pro tempore.

**Remarks by the Speaker pro tempore**

**Speaker pro tempore Murman:** Thank you, Mr. Speaker. I want to personally say, how gratified I am to serve with you and be a co-leader with you and help lead this great House of Representatives that we have. I also want to thank family, of course, Jim and Michele. What they

have had to put up with the last four years, with a wild woman in the house. Not literally House of Representatives, but in my own house. You know, it has been an awesome task in our family, so I really appreciate both of you and love you both very much. I want to thank my staff. I also want to thank just the Members here for voting for me today and allowing me to serve you. Representative Frankel, Representative Wiles, I very much appreciate and look forward to working with you in our new spirit of cooperation. That will be a great day. I also want to thank God, my Creator. He has given me a lot of talents to come here today and be before you and do the work that I have done here in this House. It's really been an awesome experience. I love this job. If you ask anybody, I'll tell you that.

This is an historic day for me because I'm the first Republican woman to be here as Speaker pro tem. That's exciting. You know politics has not been the ambition of a lifetime for me. It doesn't mean I'm going to change my commitment. Children and families will always be important to me because I feel like they reflect the quality of life that we're providing, as legislators, here in the House. And I hope you all remember that, because when I go home and talk to my constituents—and, by the way, I thank also my constituents in my district for allowing me to serve them again. You know, it's a gratifying experience.

But my journey started, really, 28 years ago when I first got out of college and I became a hotline worker on the suicide prevention hotline. And I remember a young boy calling the hotline and holding a gun to his head and wanting to take his own life in that feeling of desperation. And, I guess, that is where the vision for opportunity came into my heart. I didn't really know it then, but knew that we had to do a better job in helping our young people feel that they could be successful and a part of their community.

I've seen kids very desperate over the last 28 years. I've seen them wrecked by drug abuse. I've seen so much child abuse and neglect that I don't want to see any more. I've seen children that are desperate for learning. I've seen babies that have been left abandoned on park benches, in garbage bins, and I've seen children who are disabled. My husband has a brother, Richard, who is developmentally disabled, and we have gotten to—you know, he is a very close member of our family. And I've seen kids in adult prisons and, in fact, even just a couple of months ago, I had one of them ask me, "What do you think of me?"

So all these are building up, to me—you know, what do we need to do here? Why are we here? And the problem, as I see it, is we really need to get back to the basics of building up our children—the structure, the moral foundation that they have in their lives. And if we don't, we may as well build more prisons. Our opportunities and our challenges are to give them what they need to be successful. And I think if we're really going to solve the drug problem, we must place in their hearts the moral courage and the strength to say, no, it's not for me, I have a lot to live for. That's very important, we don't want our kids to end up in prisons. We must teach them to value and respect life.

Bill Bennett said it so well the other night. He couldn't have said it better. And I know his wife personally. I've heard her talk about her Best Friends Project—get to know that, that's a great project. But, as legislators, you know it's tough for us to legislate this type of thing. You know, we are here, we've got business, transportation, and environment. We've got so many different issues pulling at us. But these kids are going to be the adults in our State of Florida, they're going to be our future leaders, they are going to be homeless, they are going to be whatever they are going to be. But we need to be role models. We need to let them know that they are truly a gift of God and that we are responsible for helping them get to where they want to be, so their dreams can come true.

We need to make sure that they still have Healthy Start, that we still have Healthy Kids. School readiness, school nurses, after-school programs, everything we have to do as a legislator will affect the quality of life of these children. They are a part of the solution. I want to tell you that today, they are a part of the solution. Not going into an appropriations committee and worrying about which project—worrying about the children being our solution.



I, last week, participated in the Great American Teach-In. I don't know if any of you did that last week. And I walked into this class at 7:30 in the morning—high school juniors—and thought that this was, you know, going to be one of those—I'm going to talk to them about what it's like to be in politics. But the teacher started to take roll and called out this girl's name. Everybody in the class started laughing. It was her twenty-first day absent from school. That's where we're at, that's where we're at. We must break the cycle of poverty, break the cycle of lack of education, because I'll guarantee you that girl's parents—or eighty percent of those parents of girls like that—have not graduated from high school. And we've got to break that cycle.

We must look at education as the key and teachers need to teach from their hearts, just like I feel about helping our kids. Schools are still—they are getting better but we are still failing our children. We still have the double standards of the haves and the have nots. And we must learn as legislators not to fear the important things of standardized tests, teacher quality, expanding charter schools. These are important. What are we afraid of, that using innovation for the best education possible is going to help our kids? We shouldn't be afraid of that.

And I am going to appeal to corporate Florida, most people say corporate America, because if we want to really reach our children, we've got to somehow marry them together. Just like we tried to do the last two years in welfare reform. Chris Hart was so instrumental in doing that. We've got to show them how to get together, they are learning how to dance, but they don't know how to do it. And it's time we teach our kids to be on a different high, that their dreams can come true. And, if companies—if we allow them to provide the jobs that families will be able to put food on the table, that they'll be able to hire people, that's why tax incentives are so important. I realize it as a compassionate conservative in this Florida Legislature. And businesses, we need to help them build more family friendly work places. We have to, that's a charge that we have and I think that's key.

Broken dreams are like unwanted pregnancies, possibly resulting in abortions. And broken dreams—dreams not fulfilled—bring apathy. You know back in 1960 I was just growing up but I remember a scientist saying to John F. Kennedy one day, I think we can go to the moon. And, he said, OK we'll do it in 10 years. But that scientist said, well, that wasn't exactly what I mean. And, if you get the gist of what I am saying, there was a dream there but the scientist felt like it was a little bit impossible. Nine years later we were on the moon. It was the same way our forefathers felt about religious freedom and the fact that they really had to fight—they had a lot to risk. They were risking their lives for religious freedom, but it was successful. So whatever you all talked about in your campaigns, hold onto the thoughts. They are dreams and they are not impossible.

I will tell you that I have worked very hard in this job and the one thing I loved was when they did the five principles. Family empowerment was one of the five principles that excited me. Because it is a critical element of everything we do here, if they're OK, we're OK. I'm, really again, grateful for the opportunity to help lead in this Legislature—to be that compassionate conservative to help our kids, our families, single moms, children without fathers. I want to help tear down the walls of despair, addiction, crime, poverty, all those bad things. I want our children and families to be the home page. You know, we are going to talk about technology. Let's have them be the home page that we go back to in life. That we need to work hard, we need to keep building on education reform. Welfare-to-work, juvenile justice, tax cuts, health care is going to be so critical. But I am convinced that investing in the lives of these young people is one of the major passions that needs to be revived before we can begin to heal. And it is going to take hard work, not just during election time, we need sustained effort.

And I want to leave the state of Florida to go to conferences. I want to hear about Florida being number one, not twentieth, not twenty-fifth, not forty-ninth. I'd like for them to be number one. It's a new beginning. It's a great time of hope for all of us and I hope that when you take time to find your cause, that desire to fight for that cause comes deep within your heart. That will be your vision, what's in your heart. That you commit to it, you make it happen. Because lives are at stake here and

the quality of life for all Floridians rests on that. Thank you very much. I look forward to two years. [applause]

**Speaker Feeney:** Representative Murman, I'm very honored you'd join us on the fourth floor in the leadership team as a great compassionate conservative. And I think when I get to my remarks later you'll be glad to know that those five principles, that Speaker Webster enacted and Speaker Thrasher continued, including family empowerment, will continue to guide the leadership perspective for the next two years. And thank you again.

## Election of the Clerk

The Speaker announced that nominations would now be received for Clerk of the House of Representatives pursuant to Article III, Section 2, of the Florida Constitution.

Rep. Byrd nominated John B. Phelps as Clerk of the House of Representatives.

**Rep. Byrd:** Mr. Speaker, Members, honored guests, it's a real honor to nominate John B. Phelps for Clerk of the Florida House of Representatives. John Phelps embodies the adage, if you choose a job you enjoy you'll never have to work a day in your life. And it's been a lot of fun, John. And time flies when you're having fun.

You may not know that John has served as Clerk of the Florida House for over 100 sessions of the Legislature. He's been with us for 26 years, 14 of those years as our Clerk. John is often chided about the fact that he has a degree in Experimental Psychology, and we know that he did the research for NASA on apes and chimpanzees, which was—you know that's good, that'll get you through ordinary times, John. But what you may not know is he did an extra year, thank goodness, on brain studies of cats. And so I think that'll help him herd some cats over the next two years. [laughter]

I asked John Phelps how he measures his own personal success. How does John Phelps measure his success? And he says, he measures his success by bringing honor to the Florida House of Representatives, by bringing honor to the Florida House of Representatives. He's done that with his peers. He's been the President of the American Society of Legislative Clerks & Secretaries. He's been the Chair of the staff of the National Conference of State Legislatures—high august positions. But what he's done here is made a commitment that our Clerk, our House will be the best in the nation and the best in the world.

So without further ado, I would nominate John B. Phelps as our Clerk of the Florida House of Representatives. [applause]

Rep. Gottlieb seconded the nomination of John B. Phelps for Clerk.

**Rep. Gottlieb:** Well, a lot of great people have been Representatives in this body here and they've come and they've gone. But one thing hasn't changed, and that's our Clerk, because he's here to stay. He's been here, as you heard, for a long time, 102 sessions. The training that he did for monkeys and chimpanzees was the only thing that could get him that far along in the House of Representatives. [laughter] In fact some may say he has the best training for this career that he has chosen. But he's also, for 16 years, he has been on the committee amending the rules to Mason's, which is the premier authority after our own Rules. And if you look at the Rules—because everybody has said, the Rules, the Rules, the Rules—well, the Rules they're very short, they're very concise, they are easy to understand. It's a thin book you can get through it on the airplane when you come from South Florida. And, most of all, it's going to change but we know with John Phelps' leadership that the Rules will stay this thin, which for me personally is a bad thing. I like a thick rule book so when I'm standing back here I can step on it and you can see me. [laughter] Rules for everyone has a different purpose.

But he has a résumé that you can't believe. For example, 29 times he's been a speaker or a panelist at colleges—I haven't done it even once but he's done it 29 times. He's also been the Staff Chair of NCSL and he's been the President of the American Society of Legislative Clerks & Secretaries, two organizations that are national. And he's been elected by his peers because his peers know the same thing that we do, that he's

number one. And so, I would like to take the distinct privilege and opportunity to stand here and second the nomination for our Clerk who's been here for 14 years, who's a fifth generation Floridian, who's the best Clerk in the country, John B. Phelps. [applause]

On motion by Rep. Rubio, seconded by Rep. Greenstein, 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 of Representatives.

**Speaker Feeney:** Clerk, we're proud of the 102 sessions that you've handled quite ably. We hope to give you only two more in the next few years but you just never know.

#### Remarks by the Clerk

**Clerk Phelps:** Thank you very much, Mr. Speaker, Members and guests. On June 23, 1845, Florida held its first legislative organization session as a state. The *Journals* of that day show the House convening with 41 Members, each serving a little more than 1500 citizens. The population of the state was the equivalent of Boca Raton today. The echoes of that 1845 session remain with us to this day having become our tradition for organizing the House. We are also the grateful heir to the rules and practices of our predecessors who did so much to make democracy work at a time when few thought it could succeed.

This House and other legislative chambers in this nation have crafted and refined a body of procedural law that is the envy of the world. It has stood the test of time and reflects our basic democratic values. Namely: our faith in the rule of law to guide us toward a more virtuous civic life; our belief in the power of ideas to shape and alter human conduct; our respect for the right of all people, all people, to present and fight for their vision of the common good; our ability to bear no malice when others disagree; our capacity to look upon one another as individuals with human failings and vanities but instead as the voices of our fellow Floridians; our will to respect and enforce our legislative rules and traditions; and finally, living our public life in the full knowledge that our decisions and our conduct have real consequences for the future of this great body.

As I view it, Mr. Speaker, the legislative institution we serve is not a material thing, though this grand Chamber gives it some expression. It is something less tangible but more foundational. It is the abstract devotion that each of us holds in our heart for the precious gift of democracy and the care we take to keep it strong and pass it from generation to generation.

The mantle of leadership passes today to a new generation of citizen-legislators. It is by any measure an historic moment. For granting me the honor of witnessing these proceedings and for continuing in service to this House, I am deeply grateful to you, Mr. Speaker, and to all the Members. Thank you. [applause]

#### Designation of the Sergeant at Arms

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

Rep. Bense moved that the House consent to the designation of Earnest W. Sumner as Sergeant at Arms of the House of Representatives.

**Rep. Bense:** Thank you, Mr. Speaker and Members. Two years ago, after I was elected, the day after I was elected I came over here to the House to, as everyone is going to do shortly, beg for a good committee slot. And as I was walking down the hall, Earnie had cleverly already figured out who the new Members were, and he saw me walking down the hall, and he was kind of in a doorway there, and I was walking and he said, "Representative" and I kept on walking. [laughter] And then I walked about 10 steps and it dawned on me, [laughter] that's me, I'm the Representative. So Earnie was pretty clever to get on my good side early on in my career.

Earnie has worked for the Sergeant's Office here since 1969. He graduated from Liberty County High School, over in Bristol, which is not far from my district. He served as Deputy Sergeant for 22 years and in 1998 he formally selected him as the Sergeant at Arms. I'm a small business person and on occasion people ask me, rare occasions, but they'll ask me for advice on, "How can I be successful in business?" And I will tell them there's three things, three real key reasons—formula for success. If you're honest, if you work hard, and provide a good service, you'll be successful. You will be. And I can tell you that Earnest Sumner has been honest, he's worked hard, and provided really, very good service here in the Florida House of Representatives.

It's my privilege and honor to nominate you as the Sergeant at Arms. [applause]

Rep. Henriquez seconded the motion that the House consent to the designation of Earnest W. Sumner as Sergeant at Arms of the House of Representatives.

**Rep. Henriquez:** Thank you, very much. Earnie, I'm glad they've already sworn you in because you know I'm 0 for 1 in these second things today. [laughter] A couple weeks ago I was stuck in bed, at home, with a 102 fever with the chicken pox; I waited 36 years to catch the chicken pox. And the phone rings, and Earnie is on the other line and he says, "Representative Henriquez, would you be nice enough to second my nomination?" I immediately felt better. So I thank you, you're part of my healing process.

I also really am honored. One of the best pieces of advice and one of the earliest pieces of advice, and one that all of the new Members should know, when I got here, was that there are three people you really need to get to know. One, is the Clerk, because he can make sure you have an opportunity to be successful. The next is the General Counsel, because he can make sure you don't get in trouble. And the third, is the Sergeant, because he can take care of almost anything else that you may come up with. So make sure that you get to know those three folks and take care of them, because they certainly will take care of you.

Earnie Sumner is a true gentleman in every sense of the word. This is a true honor for me to have this opportunity. And if James Brown can be the hardest working man in rock 'n roll, Earnie Sumner is the hardest working man in the state legislature. And, it's my honor to second your nomination, Earnie, thank you. [applause]

**Speaker Feeney:** The Sergeant's position, unlike the Clerk's, is not a position that is designated in our Constitution. And the Chair would like to announce that I would like to designate Earnest W. Sumner as our Sergeant at Arms of the House of Representatives, and would ask the House for its consent. And the question on consent to the designation of Earnest W. Sumner as Sergeant at Arms for the Florida House of Representatives will be put before you. All those in favor will please signify by saying Yea; all those opposed, Nay. [voice vote] Then with your vote, our Sergeant, Earnest W. Sumner. Congratulations, Sergeant. [applause]

#### Remarks by the Sergeant at Arms

**Sergeant Sumner:** I want to thank all of you. I really am very appreciative of your vote of confidence. You know I have worked here for many years and I've seen a lot of faces come and a lot of faces go, but I've never seen this many new ones at one time. [laughter] But I do look forward to working with each and every one of you, in a personal way. That's my job, to serve you as elected officials in this body. And I've always strived to do the very best that I could ever do. And I commit to you today, that I will remain committed and dedicated to serving you to the best of my ability.

I want to thank first of all, Mr. Speaker, I thank you, for your vote of confidence in me in asking me to stay around for two more years. And I thank you, Members, for that vote of confidence that you just gave me. I want to thank my family; my wife and my parents who are here today. I thank them—if it had not been for them I'm sure this would not have been possible—for their support. But more than anything today, I thank God for giving me this opportunity to continue to serve as your Sergeant

in the House of Representatives. God bless you and thank you. [applause]

#### Committee to the Governor

On motion by Rep. Kyle, seconded by Rep. Baxley, the Speaker appointed Reps. Berfield, Simmons, Kendrick, Haridopolos, Mack, Holloway, Wilson, Bullard, Baxley, and Kyle as a committee to inform the Governor that the House was organized.

The committee was excused to execute its responsibility.

#### Consideration of House Resolutions

By Representative Byrd—

**HR 1-Orig.**—A resolution establishing the Rules 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 shall govern the House of Representatives of the State of Florida for the Organization Session 2000 and thereafter:

#### THE RULES OF THE FLORIDA HOUSE OF REPRESENTATIVES

##### RULE ONE

##### LEGISLATIVE ORGANIZATION

#### 1.1—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.

#### 1.2—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. The members of each political party conference may adopt rules to govern the affairs of their conference.

#### 1.3—Councils and Standing Committees

Thirty-four standing committees of the House are hereby created. Each committee shall be placed in one of seven councils as follows:

(a) The Council for Competitive Commerce shall have oversight responsibility for the following substantive standing committees:

- (1) Agriculture & Consumer Affairs.
- (2) Banking.

(3) Economic Development & International Trade.

(4) Insurance.

(5) Tourism.

(b) The Council for Healthy Communities shall have oversight responsibility for the following substantive standing committees:

- (1) Child & Family Security.
- (2) Crime Prevention, Corrections, & Safety.
- (3) Elder & Long-Term Care.
- (4) Health Promotion.
- (5) Health Regulation.

(c) The Council for Lifelong Learning shall have oversight responsibility for the following substantive standing committees:

- (1) Colleges & Universities.
- (2) Education Innovation.
- (3) General Education.
- (4) Workforce & Technical Skills.

(d) The Council for Ready Infrastructure shall have oversight responsibility for the following substantive standing committees:

- (1) Information Technology.
- (2) Natural Resources & Environmental Protection.
- (3) Transportation.
- (4) Utilities & Telecommunications.

(e) The Council for Smarter Government shall have oversight responsibility for the following substantive standing committees:

- (1) Business Regulation.
- (2) Judicial Oversight.
- (3) Juvenile Justice.
- (4) Local Government & Veterans Affairs.
- (5) State Administration.

(f) The Fiscal Responsibility Council shall have oversight responsibility for the following fiscal standing committees:

- (1) Criminal Justice Appropriations.
- (2) Education Appropriations.
- (3) Fiscal Policy & Resources.
- (4) General Government Appropriations.
- (5) Health & Human Services Appropriations.
- (6) Transportation & Economic Development Appropriations.

(g) The Procedural & Redistricting Council shall have oversight responsibility for the statutory joint committees and the following standing committees:

- (1) Claims.
- (2) Congressional Redistricting.
- (3) House Redistricting.
- (4) Rules, Ethics, & Elections.
- (5) Senate Redistricting.

#### 1.4—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 an 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.

## RULE TWO DUTIES AND RIGHTS OF THE SPEAKER

### 2.1—Speaker to Enforce Rules; Questions of Order

(a) The Speaker shall enforce, apply, and interpret the Rules of the House in all deliberations.

(b) 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, Ethics, & Elections 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, Ethics, & Elections 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.

### 2.2—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.

### 2.3—Preservation of Order and Decorum; Control Over Chamber and Other Rooms Assigned to the House

(a) The Speaker shall preserve order and decorum in the Chamber of the House. The Speaker shall see that the Members conduct themselves in a civil manner in the Chamber of the House 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.

(b) In case of disturbance or disorderly conduct in the galleries or lobby of the Chamber, the Speaker may order the Sergeant at Arms to clear these areas.

(c) Presentations on the large video screen in the Chamber of the House shall be permitted only upon approval of the Speaker.

(d) Except as otherwise provided in Rule 14.4, 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 and meeting rooms of the House may not be used for any meeting other than a legislative meeting unless specifically authorized by the Speaker.

### 2.4—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, Ethics, & Elections 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.

### 2.5—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.

### 2.6—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 or council 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.

## RULE THREE MEMBERS

### 3.1—Disclosures of Interest and Disqualification from Voting

(a) No Member may vote on any measure that the Member knows or believes would inure to the Member's special private gain. The Member must disclose the nature of the interest for which the Member is required to refrain from voting. 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 or council, the memorandum shall be filed with the committee or council administrative assistant, who shall attach such memorandum to the committee or council report.

(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 or council, the memorandum shall be filed with the committee or council administrative assistant, who shall attach such memorandum to the committee or council report. For the purpose of this Rule, family members include the Member's spouse, parents, and children.

### 3.2—Attendance Upon Meetings Required

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

## 3.3—Attendance at Sessions

A Member may not be absent from the sessions of the House without approval from the Speaker.

## 3.4—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.

## 3.5—Leave of Absence

Any Member granted a leave of absence due to a meeting of a committee, conference committee, or council 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.

## 3.6—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.

## 3.7—Possession of Bills

No Member or other person may take possession of an original bill, after filing, with the intention of depriving the Legislature of its availability for consideration.

## 3.8—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 Chamber 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 or council 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 or council of reference, and the term "formal legislative action" shall include any vote of the House or Senate, or of a committee or council of either house, on final passage or on a motion other than a motion to adjourn or recess.

## RULE FOUR

## DUTIES OF THE CLERK, SERGEANT AT ARMS, AND EMPLOYEES

## 4.1—Clerk

(a) The Clerk shall:

(1) Be the custodian of all bills, resolutions, and memorials. The responsibility for the safekeeping of original filed bills, resolutions, and memorials shall vest in the Clerk, except when such legislation has been committed to a committee or council.

(2) 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 or council reference.

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

(4) 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.

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

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

(7) 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.

(8) Report any missing papers to the Speaker.

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

(10) 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.

(11) 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.

(12) 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.

## 4.2—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.

#### 4.3—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 without direction from 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.

(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.

### RULE FIVE

#### FORM AND INTRODUCTION OF BILLS

##### 5.1—"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 or council may be required to report.

##### 5.2—Filing Deadlines

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

(b) No general bill, joint resolution, concurrent resolution (except one relating to extension of a session or legislative organization or procedures), or memorial originating in the House shall be given first reading unless filed with the Clerk by 12:00 noon of the fourteenth day of the regular session.

(c) Bills, resolutions, and memorials introduced by committees or councils are exempt from the requirements of this Rule.

##### 5.3—Limitation on Member Bills Filed

(a) A Member may not file more than six bills for a regular session. For purposes of this Rule, the Member considered to have filed a bill is the first-named sponsor of the bill or the first-named Member sponsor of a committee or council substitute for the bill, and bills that have been withdrawn from further consideration prior to the filing deadline shall not be considered filed.

(b) Bills not counted toward these limits include:

- (1) Local bills, other than local claim bills.
- (2) House resolutions.
- (3) Concurrent resolutions relating to extension of a session or legislative organization or procedures.
- (4) Trust fund bills adhering to another bill.
- (5) Public records or public meetings exemption bills adhering to another bill.
- (6) Bills introduced by a committee under Rule 7.30.
- (7) Bills that only repeal or delete, without substantive replacement, provisions of the Florida Statutes or Laws of Florida.

##### 5.4—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) 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.

##### 5.5—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:".

##### 5.6—Local Bills

(a) If a committee or council determines that the substance of a local bill may be enacted into law by ordinance of a local governing body, the committee or council 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 or council may report the local bill.

(b) A local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills.

(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.

##### 5.7—Claim Bills

(a) Claim bills may be referred by the Speaker to any committee or council for review. If the Speaker determines that a de novo hearing is necessary to determine any issue, including liability, proximate cause, or damages, the Speaker may appoint a Special Master to conduct such hearing pursuant to reasonable notice. The Special Master may administer an oath to all witnesses, accept relevant documentary and tangible evidence offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the Special Master, who shall be available, in person, to explain his or her report to any committee or council of reference.

(b) Stipulations entered by the parties are not binding on the Special Master or the House or its committees or councils.

(c) The hearing and consideration of a claim, any element of which is pending in litigation, shall be held in abeyance until all judicial activity thereon, including any appellate proceedings, shall have come to rest.

#### 5.8—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, Ethics, & Elections, 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, Ethics, & Elections, reviser's bills may be amended only by making deletions.

#### 5.9—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:".

#### 5.10—House Resolutions and Concurrent Resolutions

(a) All House resolutions and all concurrent resolutions originating in the House 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 originating in the House, the resolving clause shall be "Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:". Concurrent resolutions originating in the House 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.

#### 5.11—Prefiled Bills

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.

#### 5.12—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.

#### 5.13—Printing

Upon introduction, all bills (including committee bills and committee or council 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, Ethics, & Elections. 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.

#### 5.14—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.

#### 5.15—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 waive 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.

### RULE SIX REFERENCE

#### 6.1—Speaker to Refer Legislation

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

#### 6.2—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) A bill or committee substitute therefor, upon receiving a favorable report from each committee of reference, shall automatically be referred to the council of the committee of first reference for the original bill, unless otherwise determined by the Speaker at the time of the original reference. For the purpose of this Rule, the first committee of reference for a committee bill is the committee introducing the bill.

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

#### 6.3—Reference: Exception; Additional or New References

(a) All bills, whether House or Senate, may be referred by the Speaker to the appropriate committees. 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 or council 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 or council substitute to the other committee having jurisdiction over the additional subject and, if given an additional reference, such bill or committee or council substitute shall be considered by such committee prior to its consideration by any fiscal committee or council.

(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.

(d) A council may, during any legislative session or during the interim, refer bills in its possession to a standing committee within its jurisdiction with a request for further consideration, including, but not limited to, combining two or more bills into a committee substitute.

#### 6.4—Reference of Resolutions, Concurrent Resolutions: Exception

All resolutions shall be referred by the Speaker to the Committee on Rules, Ethics, & Elections, 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, as authorized under Rule 5.10, shall first be referred to an appropriate substantive committee.

#### 6.5—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 Fiscal Responsibility Council shall consider the General Appropriations Bills and implementing bills proposed by the appropriations committees within its jurisdiction 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.

#### 6.6—Reference of Prefiled Bills

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 prefiled bill to a committee or council, the Clerk shall notify each committee or council receiving the reference.

#### 6.7—Reference of Veto Messages

The Speaker shall refer veto messages to the appropriate committee or council for recommendations.

### RULE SEVEN

#### COMMITTEES AND COUNCILS—ORGANIZATION, MEETINGS, AND OVERSIGHT

##### Part One—Organization

#### 7.1—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 and Vice 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.

(c) All standing committee or council Chairs, Vice Chairs, and members serve at the pleasure of the Speaker.

(d) All standing committee and council appointments shall be made by the Speaker prior to the convening of each regular session and shall expire on August 1 of odd-numbered years or, if the Legislature is convened in special or extended session on that date, upon adjournment sine die of such session.

#### 7.2—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 managers of all 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. In addition, the Speaker shall name the House Chair of each conference committee and may also name the House Vice Chair thereof.

#### 7.3—Vacancies on Standing Committees and Councils

If a vacancy occurs on a standing committee or council 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.

#### 7.4—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 or council. Alternatively, the Speaker may designate the council Chair as an ex officio, voting member of any committee within that council. No standing committee or council 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 or council. 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 or council Chair.

#### Part Two—Meetings—Powers, Duties, and Procedure

#### 7.5—Powers of the Chair

(a) The committee or council Chair shall sign all notices, vouchers, subpoenas as provided under Rule 16.1, 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.

(c) The responsibility for the safekeeping of original filed bills committed to a committee or council shall vest in the committee or council Chair. The committee or council Chair may authorize a staff member to sign for receipt of bills referred to the committee or council.

#### 7.6—Absence of the Chair

For the purpose of convening or presiding over a meeting in the absence of the Chair, the Vice Chair shall assume all duties of the Chair until the Chair's return or replacement, unless a temporary Chair has been appointed by the Speaker to assume those duties instead.

#### 7.7—Meetings of Committees and Councils

Committees and councils shall meet at the call of the Chair, within the dates and times reserved by the Speaker.

#### 7.8—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.

#### 7.9—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 8:00 p.m. unless granted special leave by the Speaker to do so.

#### 7.10—Committees and Councils Meeting During House Session

No committee or council shall meet while the House is in session without the consent of the House, except the Procedural & Redistricting Council and the Committee on Rules, Ethics, & Elections, when meeting to consider matters other than legislation, and conference committees.

#### 7.11—Consideration of Bills, Including Proposed Committee Bills and Proposed Committee or Council Substitutes

(a) The Chair of any committee or council shall give prior notice in writing of the intention to take up any bill or proposed bill or substitute.

(b) Proposed committee bills (PCBs) shall be treated as other bills in meeting the requirements for notice under Rules 7.12-7.14. 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 or council substitutes (PCSs) shall meet the notice requirements that apply to PCBs.

(d) Before a standing committee may consider a proposed committee bill, the Speaker must approve the consideration by the committee of the proposed bill. A proposed committee bill that does not receive Speaker 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 Procedural & Redistricting Council.

#### 7.12—Meetings of Committees and Councils: 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 or council 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 or substitute 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 1 day in advance of the committee or council meeting.

(b) If a committee or 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 committee or council door.

(c) Except when sitting to consider the substance of legislation, the Committee on Rules, Ethics, & Elections and the Procedural & Redistricting Council shall be exempt from the requirements of this Rule.

#### 7.13—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 the committee or council holding the meeting, 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 7.17(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 or council. The notice shall also be provided to any Member who has given the Chair, on a form provided by the committee or council 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 such notices, shall show on a receipt the day and hour received.

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

#### 7.14—Notices of Meetings Between Sessions

During the period when the Legislature is not in session, before any committee or council holds a meeting for the purpose of considering a prefiled bill, a proposed committee bill (PCB), or a proposed committee or council 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 or 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. The committee or council administrative assistant shall send copies of the notice to the members of the committee or council, 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 or council 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.

#### 7.15—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.

#### 7.16—Continuation of 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.

#### 7.17—Reconsideration in Committee or Council

The Rules of the House shall govern proceedings in committee or council 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 or council, any Member voting with the prevailing side, or any Member when the vote was a tie or by voice, may move for reconsideration inlander or leave the motion pending. By a two-thirds vote of the Members present and voting, the committee or council 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 or council'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 or council meeting, which, unless considered at that meeting on the request of any member of the committee or council, shall be deemed abandoned, and the committee or council 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 or council 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 or council members present.

(e) After the 45th day 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 or council administrative assistant shall forthwith report the bill to the Clerk.

#### 7.18—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 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 or council meeting, or portion thereof, and the record of such meeting may not disclose the identity of the witness appearing before the committee or council.

(b) The authority of the Chair 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.

#### 7.19—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.

#### 7.20—Voting in Committee or Council

A majority of the members of a committee or council 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 or council. (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.")

#### 7.21—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.

#### 7.22—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 recommitted by the Speaker or Chair to the committee or council upon a point of order.

#### 7.23—Nature and Contents of Committee and Council Reports

(a) It shall be the duty of committees and councils to report bills either favorably, favorably with (number of) committee or council amendment(s), favorably with committee or council substitute, or unfavorably, but never "without recommendation." 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 or council must contain the action of the committee or council on the bill being transmitted, together with a Committee or Council 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 or council relative to the measure and, if any agent, the interest represented; and

(3) The vote of each member of the committee or council on the motion to report each bill.

(c) Each report by a committee or council shall set forth the identifying number of the bill, and, if amendments are proposed by the committee or council, the words "with (number of) amendment(s)" shall follow the identifying number. For the purpose of documentation, committees and councils shall retain copies of their reports and amendments adopted, rejected, or withdrawn, with the committee or council action noted thereon.

(d) After the committee or council report has been filed with the Clerk as provided in these Rules, the Clerk shall preserve the Committee or Council Information Record for the convenient inspection by the public during the legislative session.

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

#### 7.24—Minority Reports

Minority reports on any matter may be admitted only by majority vote of the House.

#### 7.25—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.

## 7.26—Where Reports Are Delivered

Committee or council 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.

## 7.27—Journal Entry

As bills are reported, the identifying number of a bill, together with the action of the committee or council, whether favorable, unfavorable, favorable with (number of) amendment(s), or favorable with substitute, shall be entered in the Journal.

## 7.28—Committee and Council Amendments

(a) Amendments recommended by committees or councils 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 and councils 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 or council of the House. If not appointed to the committee or council, 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 or council.

(d) During the first 45 calendar days of a regular session, the filing deadline for amendments to be offered in a committee or council by nonappointed Members shall be 5:00 p.m., 1 day (excluding Saturday and Sunday) in advance of the committee or council meeting. After the 45th day and during any extended or special session, such amendments shall be filed 2 hours before the committee or council meeting. Amendments introduced by committee or council 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 and councils of reference (except those incorporated in a committee or council substitute) shall accompany a bill when filed with the Clerk. No committee or council shall physically remove from the jacket an amendment adopted by a prior committee or council, and no amendment of a committee or council may be subject to a negative roll call of another committee or council. Instead, there may be adopted nullifying or amendatory language by a subsequent committee or council of reference by way of an amendment to the amendment or a substitute amendment.

## 7.29—Committee or Council Substitutes

(a) A committee or council, 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 or council may also combine two or more bills into such a substitute bill. The substitute bill, signed by the Chair, 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 or council of reference shall direct its attention to the substitute bill.

(b) The sponsor of a committee substitute is the committee, and the sponsor of a council substitute is the council. Each sponsor of the original bill or bills shall be shown by the committee or council administrative assistant as a cosponsor of the substitute unless such sponsor notifies the committee or council 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 or council 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 7.23.

## 7.30—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.

## Part Three—Conference Committees

## 7.31—Conference Committee Meetings; Procedures

(a) Meetings of conference committees shall be open to the public at all times, subject always to the authority of the Chair to maintain order and decorum.

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

(c) The Chair of any conference committee shall give prior notice of intention to meet. The notice shall state the date, time, and place of meeting and be posted on the door of the committee or council managing the conference for the House at least 2 hours prior to the time of the meeting.

## 7.32—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.

## 7.33—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).

## 7.34—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.

## 7.35—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.

#### 7.36—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.

#### Part Four—Oversight Responsibilities and Powers

#### 7.37—Oversight Role

(a) Standing and select committees and councils shall have oversight responsibilities in order to assist the House in:

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

a. The application, administration, execution, and effectiveness of the laws enacted by the Legislature; or

b. Conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and

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

(b) Substantive standing committees shall review the budgets and performance of state agencies within their jurisdictions.

#### 7.38—Oversight Powers

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

(b) Each standing or select committee or council 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 or council 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.

(c) In order to carry out its duties, each standing or select committee or council 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.

#### 7.39—Conduct of Meetings of Investigative Committees and Councils

Each standing or select committee or council 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 or council:

(a) If any standing or select committee or council 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 or councils:

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

(2) A standing or select committee or council 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 or council 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 or council at any meeting unless a quorum is present. Such committee or council 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 or council, when conducting a meeting for the purpose of taking sworn testimony, shall give each member of the committee or council 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 or council, for incorporation into the record of the meeting, sworn written statements relevant to the purpose, subject matter, and scope of the committee's or council's investigation or inquiry. Any such witness, however, shall, prior to filing such statement, consent to answer questions from such committee or council regarding the contents of the statement.

(8) When the Chair of any standing or select committee or council 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 standing or select committee or council, testimony or other evidence taken may be introduced before the standing or select committee or council 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 standing or select committee or council 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 standing or select committee or council.

(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 standing or select committee or council 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 standing or select committee or council or to any committee or council member designated by the Chair to pass on such questions. Communication shall be made with the Chair or any designated committee or council 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.

RULE EIGHT  
CHAMBER PROTOCOL

Part One—Privilege of the Floor

8.1—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 or council staff as shall be designated by committee or council 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.

Part Two—Speaking

8.2—Addressing the House; Requirements to Spread Remarks Upon the Journal

(a) 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.

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

8.3—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.

8.4—Recognition of Members

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?”

8.5—Recognition of Gallery Visitors and Physician of the Day

On written request by a Member, on a form prescribed by the Committee on Rules, Ethics, & Elections, 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.

Part Three—Debate

8.6—Decorum

The Members shall attend to the debates unless necessarily prevented, and no Member shall stand between the Speaker and a Member recognized to speak.

8.7—Speaking and Debate

(a) A Member may not speak more than once or 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) Debate may not be disguised in the form of a question.

8.8—Right to Open and Close Debate

The mover of any proposition, or the Member reporting any measure from a committee or council, 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 Rule 8.7(a).

Part Four—Materials and Meals in Chamber

8.9—Distribution of Materials in Chamber; Newspapers; Meals in Chamber

(a) The following constitutes policy regarding material distributed to the general membership through the Sergeant at Arms’ Office and pages:

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

(2) 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 and council meeting notices; communications from the Speaker and Clerk and official communications from the Senate; and official staff reports of standing or select committees or councils or of the majority or minority parties.

(b) 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 or to the transmittal of material from one Member to another on the floor of the House.

(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.

Part Five—Miscellaneous Papers

8.10—Miscellaneous Papers

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 committee or council. 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.

RULE NINE  
VOTING

9.1—Members Shall Vote

Every Member shall be within the House Chamber during its sittings, unless excused or necessarily prevented, and shall vote on each question put.

9.2—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.

9.3—Vote of the Speaker or Temporary Presiding Officer

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

9.4—Votes After Roll Call

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.

9.5—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.

9.6—Pairing

Pairing shall be permitted only upon the absence of both Members 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 Members would have voted. Paired votes are not counted and shall not be shown on roll calls.

9.7—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.

RULE TEN  
ORDER OF BUSINESS AND CALENDARS

Part One—Order of Business

10.1—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.

10.2—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.

10.3—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.

10.4—Quorum

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

10.5—Consideration of Senate Messages: Generally

Senate messages shall be considered by the House upon review and approval by the Speaker.

Part Two—Readings

10.6—"Reading" Defined

"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.

10.7—Reading of Bills

Each bill 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.”)

#### 10.8—Reading of Joint Resolutions

Each 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.

#### 10.9—First Reading of Prefiled Bills

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.

#### 10.10—First Reading of Committee or Council Substitutes

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

#### 10.11—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 or involving other procedural legislative matters authorized under Rule 5.10 may be read twice without motion on the same legislative day.

#### 10.12—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 10.20.

#### 10.13—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.

#### Part Three—Bills Subject to Special Rule

#### 10.14—Bills Subject to Special Rule

(a) The Committee on Rules, Ethics, & Elections may recommend that a bill be subject to a Special Rule created by the committee in accordance with the requirements of this Rule. Upon adoption of a recommendation, the Committee on Rules, Ethics, & Elections shall submit the recommendation to the Procedural & Redistricting Council for adoption of the Special Rule, which, if adopted by a two-thirds vote of the council Members present and voting, shall be submitted to the House for its approval.

(b) A Special Rule shall prescribe the time and conditions of debate and amendment of the bill, may govern floor action on both second and third readings, and may include one of the following three types of conditions or such other conditions as are deemed appropriate:

(1) Open, which allows the offering of any amendment, subject to approval of the designated floor manager and the overall time limits established under the Rule.

(2) Structured, which allows the offering of only amendments that have been approved for consideration by the Procedural & Redistricting Council.

(3) Closed, which prohibits the offering of any amendment, except technical amendments offered in the name of the Procedural & Redistricting Council.

(c) The Special Rule may designate two floor managers, one to allocate the time for debate and amendments for the proponents and one to allocate the time for debate and amendments for the opponents. The floor managers shall be subject to approval by both the Majority Leader and the Minority Leader.

(d) A specific provision in a Special Rule is controlling over a conflicting provision of these Rules.

(e) Neither a Senate bill nor a House bill returning from the Senate with further action required may be subject to Special Rule.

#### Part Four—Calendars

#### 10.15—Special Order Calendar

##### (a) REGULAR SESSION.

(1) The Procedural & Redistricting Council shall periodically submit, as needed, a Special Order Calendar determining the priority for consideration of legislation. The Procedural & Redistricting Council may include on a Special Order Calendar specific sections for local bills, trust fund bills, bills to be taken up at a time certain, and bills subject to Special Rule. 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 10.16. A previously adopted Special Order Calendar shall expire upon adoption by the House of a new Special Order Calendar.

(2) Any committee, council, or Member may apply to the Procedural & Redistricting Council to place a bill on the Special Order Calendar. The Procedural & Redistricting Council may grant such requests by a majority vote.

(3) During the first 45 calendar days of a regular session, the Procedural & Redistricting Council 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. For calendar days 46 through 51 of a regular session, the Procedural & Redistricting Council shall provide the Special Order Calendar by 9:00 p.m. of the day prior to its consideration. After the 51st calendar day of a regular session, the Procedural & Redistricting Council shall provide the Special Order Calendar at least 2 hours prior to its consideration.

##### (b) EXTENDED OR SPECIAL SESSION.

(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 Procedural & Redistricting Council.

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

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

#### 10.16—Consideration of Bills Not on Special 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.

#### 10.17—Consent Calendar

The Procedural & Redistricting Council may submit a Consent Calendar designed to expedite the consideration of noncontroversial legislation, according to procedures recommended by the Procedural & Redistricting Council and approved by the House.

## 10.18—Requirements for Placement on a Calendar

No measure may be placed on a calendar until it has been reported favorably by each committee or council of reference.

## 10.19—Informal Deferral of Bills

Whenever the Member who introduced a bill, or the Chair of the committee or council 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 or council Chair's return, unless another Member consents to offer the bill on behalf of the original Member or committee or council Chair. The bill shall retain its position on the Calendar during the same legislative day. The Member or committee or council Chair shall have the responsibility of making the motion for its subsequent consideration.

Part Five—Resolutions of Condolence, Commendation,  
or Commemoration

## 10.20—Resolutions of Condolence, Commendation, or Commemoration Published in Journal

Upon favorable report by the Committee on Rules, Ethics, & Elections, a resolution of condolence, commendation, or commemoration may be shown as introduced, read, and adopted by publication in full in the Journal. The Procedural & Redistricting Council shall periodically distribute a list of such resolutions 1 day (excluding Saturday and Sunday) prior to the day of their publication, during which time any Member may file an objection with the council 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. All resolutions without objections shall be printed on the next legislative day in the Journal and considered adopted by the House.

Part Six—Consideration Limits

## 10.21—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.

## 10.22—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.

RULE ELEVEN  
MOTIONS

## 11.1—Motions: How Made

Every motion shall be made orally, except when requested by the Speaker to be reduced to writing.

## 11.2—Precedence of Motions During Debate

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

- (1) To adjourn at a time certain.
- (2) To adjourn.
- (3) To recess to a time certain.
- (4) To lay on the table.
- (5) To reconsider.
- (6) For the previous question.
- (7) To limit debate.
- (8) To temporarily postpone.

(9) To postpone to a time or day certain.

(10) To refer to or to recommit to committee or council.

(11) To amend.

(12) To postpone indefinitely.

(13) To amend by striking out the enacting or resolving clause.

(b) Such motions shall have precedence in the descending order given.

## 11.3—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 11.2 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.

## 11.4—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 preclude neither amendment nor a motion to strike out and insert.

## 11.5—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.

## 11.6—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.

## 11.7—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 or council 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 proposing to reconsider is debatable. When debate upon a motion to reconsider is in order, no Member shall speak thereon more than once or 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 waive 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.

#### 11.8—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) When the motion for the previous question is adopted on a main question, the sense of the House shall be taken forthwith on pending amendments and such question in the regular order. If amendments have been adopted, the regular order shall include the adoption of necessary title amendments.

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

#### 11.9—Motion to Limit Debate

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.

#### 11.10—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 under the order of 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.

#### 11.11—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 or council to a different committee or council, which shall be decided by a majority vote.

(b) A motion to withdraw a bill from committee or council, or to refer a bill from one committee or council to another committee or council 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 or council 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.

(1) For the purpose of withdrawing bills from further consideration, the first-named Member sponsor shall be regarded as the only Member empowered to move for the withdrawal of a bill. The first-named Member sponsor of a bill may, prior to its introduction, withdraw the bill by letter to the Clerk.

(2) The introducer of an original bill laid on the table upon introduction of a committee or council substitute therefor has no right to move for the withdrawal of the substitute from further consideration.

(3) In moving for the withdrawal of a bill from further consideration by floor motion, the introducer shall be required to identify the nature of the bill.

#### 11.12—Motion to Recommit

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

(b) A motion to recommit to committee or council 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 or council, except to the appropriate fiscal committee as provided elsewhere in these Rules.

#### 11.13—Motion to Postpone Indefinitely

Motions to postpone indefinitely are debatable and 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.

#### 11.14—Dilatory Motions

No dilatory or delaying motions shall be entertained by the Speaker.

#### 11.15—Withdrawal of Motions

The mover of a motion may withdraw the 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.

### RULE TWELVE AMENDMENTS

#### 12.1—Form

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

(b) 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.

#### 12.2—Filing

## (a) REGULAR SESSION.

(1) 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.

(2) For calendar days 46 through 51 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 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.

(3) After the 51st day 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 not later than 30 minutes after the convening of the daily session at which the sponsor seeks to offer the amendment or 2 1/2 hours after the Special Order Calendar has been provided, whichever is later, 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 1 hour after the convening of the daily session at which the sponsor seeks to offer the main amendment or 3 hours after the Special Order Calendar has been provided, whichever is later.

(b) EXTENDED OR SPECIAL SESSION. 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.

(c) WAIVER OF DEADLINE. By a majority vote, the time limitation for filing any amendment may be waived.

## 12.3—Presentation and Consideration

(a) 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 council (or any member thereof designated by the Chair) reporting the measure under consideration shall have preference for the presentation of committee or council amendments.

(b) Upon motion, committee or council amendments may be adopted en bloc.

(c) 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.

(d) 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.

## 12.4—Second and Third Reading; Vote Required on Third Reading

(a) A motion to amend is in order during the second or third reading of any bill.

(b) 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 Procedural & Redistricting Council shall require a majority vote for adoption.

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

## 12.5—Amendment of General Appropriations Bill

(a) 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.

(b) A 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.

## 12.6—Consideration of Senate Amendments

(a) 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.

(b) 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.

(c) 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 council for review and report to the House. The Speaker, upon such reference, shall announce the date and time for the committee or council to meet. The committee or council shall report to the House the recommendation for disposition of the Senate amendment or amendments under one of the four options presented in subsection (a). The report shall be given to the House, in writing, by the Chair of the reporting committee or council.

## 12.7—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.

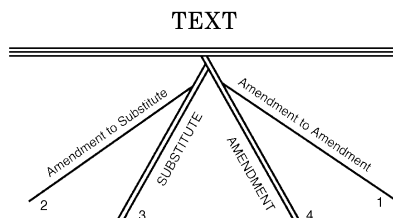
## 12.8—Sequence of Amendments to Amendments

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:

(a) 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.

(b) Amendments to the substitute are next voted on.

(c) 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.



12.9—Germanity of House Amendments

(a) GERMANITY.

(1) Neither the House nor any committee or council shall 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.

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

(3) 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.

(b) AMENDMENTS THAT ARE NOT GERMANE. 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.

(c) AMENDMENTS THAT ARE GERMANE. 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.

12.10—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 or council report.

12.11—Printing of Amendments in Journal

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.

RULE THIRTEEN  
RULES

13.1—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 waived or amended as provided in these Rules.

13.2—Waiver of Rules of the House

Any Rule of the House, except a Rule requiring unanimous consent, may be waived by a two-thirds vote of the Members present and voting; however, the waiver shall apply only to the matter under immediate consideration and shall not extend beyond adjournment of a session day.

13.3—Amending Rules of the House

No Rule of the House may be amended except by a report or resolution from the Committee on Rules, Ethics, & Elections adopted by the House by majority vote. A report or resolution of the Committee on Rules, Ethics, & Elections 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.

13.4—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.

13.5—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.

13.6—"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.

RULE FOURTEEN  
MISCELLANEOUS PROVISIONS  
Part One—Public Records

14.1—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.

14.2—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 or 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.

#### Part Two—Distribution of Documents; Display of Signs

##### 14.3—Distribution of Documents

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

##### 14.4—Display of Signs, Placards, and the Like

Signs, placards, or other objects of similar nature shall be permitted in the rooms, lobby, galleries, or Chamber of the House only upon approval of the Committee on Rules, Ethics, & Elections.

#### Part Three—House Seal

##### 14.5—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, Ethics, & Elections.

(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.

#### RULE FIFTEEN

#### ETHICS AND CONDUCT OF MEMBERS

##### 15.1—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 15.1-15.8.

##### 15.2—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 unlawful employment discrimination.

##### 15.3—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.

##### 15.4—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.

##### 15.5—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.

##### 15.6—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.

##### 15.7—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 unlawful employment discrimination. A professional environment in the workplace, which shall be free from unlawful 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.

## 15.8—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.

## 15.9—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.

## 15.10—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.

## 15.11—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.

## 15.12—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 15.10. 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.

## RULE SIXTEEN

## PROCEDURES FOR LEGAL PROCEEDINGS

## Part One—Committees and Councils Conducting Legal Proceedings

## 16.1—Procedures for Committees and Councils Conducting Legal Proceedings

## (a) ISSUANCE OF SUBPOENA.

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

(2) Each standing or select committee or council, 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 or council shall issue process on behalf of the standing or select committee or council.

## (b) 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 council; or

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

(3) A standing or select committee or council 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 or council is meeting during the interim, its application shall be made to the circuit court pursuant to subsection (f).

(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 or councils. Sheriffs shall be paid as provided for in section 30.231, Florida Statutes.

(c) FALSE SWEARING. Whoever willfully affirms or swears falsely in regard to any material matter or thing before any standing or select committee or council 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.

## (d) RIGHTS OF WITNESSES.

(1) All witnesses summoned before any standing or select committee or council 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 or council 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 or council. 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 or council also shall be served with a general statement informing the person of the subject matter of such committee's or council'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 or council, the Chair shall instruct all witnesses to leave the meeting room and retire to a designated place. The witness will be instructed by the 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 or council. No member of such committee or council 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 or council 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 or council 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 or council and its staff, the testimony or responses of witnesses, sworn written statements submitted to the committee or council, and such other matters as the committee or council 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.

(e) 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 or council and who, in the opinion of such committee or council, may be adversely affected thereby, may, upon the request of the person or upon the request of any member of such committee or council, appear personally before such committee or council and testify on the person's own behalf, or, with such committee's or council'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 or council 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 or council 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 or council's power of subpoena. Any such witness, however, shall, prior to filing such statement, consent to answer questions from any standing or select committee or council regarding the contents of the statement.

(f) ENFORCEMENT OF SUBPOENA OUT OF SESSION. If any witness fails to respond to the lawful subpoena of any standing or select

committee or council 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 or council 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.

Part Two—Complaints Against Members and Officers of the House

16.2—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, Ethics, & Elections 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, Ethics, & Elections 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, Ethics, & Elections 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, Ethics, & Elections such additional Rules or regulations as the Probable Cause Panel or the Special Master shall determine are 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; and

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 or Special Master's conclusions, as 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, Ethics, & Elections, a determination as to probable cause or informal resolution of a complaint by a Special Master or Probable Cause 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, Ethics, & Elections, 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, Ethics, & Elections and subsequently filed with a commission or quasi-judicial agency with concurrent jurisdiction, the Chair of the Committee on Rules, Ethics, & Elections, the panel or Special Master, and the select committee shall have the discretion to suspend their proceedings until all such commissions and 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-paragraph (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, Ethics, & Elections 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, Ethics, & Elections. 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, Ethics, & Elections. The complaint and all material related thereto shall remain confidential.

**16.3—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 16.2.

**Part Three—Complaints Against Lobbyists**

**16.4—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.

#### 16.5—Complaints of Violations Relating to Lobbyists; Procedure

(a) **FILING OF COMPLAINTS.** The Chair of the Committee on Rules, Ethics, & Elections 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, Ethics, & Elections shall review each complaint submitted to the Committee on Rules, Ethics, & Elections 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 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, Ethics, & Elections such additional Rules or regulations as the Probable Cause Panel or the Special Master shall determine are 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 16.6, 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 or Special Master's conclusions, as 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 16.6, 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 7.18.

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 the 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. 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, Ethics, & Elections, a determination as to probable cause or informal resolution of a complaint by a Special Master or Probable Cause 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 any law, rule, or other standard of conduct by a lobbyist shall be filed with the Committee on Rules, Ethics, & Elections 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, Ethics, & Elections. 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, Ethics, & Elections. The complaint and all material related thereto shall remain confidential.

16.6—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 any law, rule, or other standard of conduct by a lobbyist 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 select committee so designated under Rule 16.5.

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

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

**Speaker Feeney:** Representative Byrd has moved the adoption of the resolution and is recognized to explain the resolution. Give Representative Byrd your attention, this will be your first vote on a set of Rules in the Florida House. Representative Byrd, you're recognized.

**Rep Byrd:** Thank you, Mr. Speaker. Members, I know the hour is late but this is an important resolution. The Organization Session we are to accomplish two things: the joyous selection of our officers and to organize. In order to organize we must adopt our Rules.

The Florida Constitution vests in the House exclusive right to adopt our Rules, free from the interference of another branch of government.

The Rules provide the structure for the backbone for our deliberations, for us to transact business. The Rules provide for the majority's ability to act. The Rules provide for the minority's ability to be heard, and the Rules provide for the public, the right to know.

Learn the Rules. But, as you learn the Rules, learn the Rules in the context of these three purposes of the Rules: the right of the majority to act, the right of the minority to be heard, and the right of the public to know.

Knowledge of the Rules will serve you well. I would admonish you first, new Members, to read the sections of the Rules that deal with Members, that deal with your responsibility toward our legislative staff and that deal with the rules of ethics contained in the Rules. And ask questions. Do not be timid. There's no question that should not be asked if it's on your mind. Seek out the Clerk. Seek out distinguished former Members. Seek out veteran Chairs. Seek out the Speaker. Seek out the staff. There's no question that you should not ask.

The Rules on your desk have been reorganized, at the Speaker's direction, to be simpler, better stated, better organized. They're renumbered to be completely logical.

And I would like to thank the Clerk and his staff, the Rules Committee staff, especially the Minority staff, and the Minority Leader. We've made every effort to accommodate the suggestions of the minority, and I think that we've shown a real bipartisan effort there.

The committee structure, which is probably your most immediate concern in the work that you'll do over the next several months, has been condensed. We have seven councils; five of those are substantive, one is procedural, and one is fiscal. There will be 34 standing committees.

You may want to make a few notes here. The bill filing deadline—we now have one, historically we did not. But we do have a bill filing deadline that will be at noon on the 14th day of the Regular Session. Note: The local bill deadline is the first day of the Regular Session. There will be a bill limit, and there is a change from the last two years. The bill limit will be a set limit of six bills. Exempt from that are local bills, trust fund bills, public records bills, but contained in that are memorials that you may file.

The structure of the committees being under a council; each council will now have more activities. Each council, under the new Rules, will be able to take up bills, amend bills, pass out to council substitute bills, and so there will be action on bills at the council level.

The Special Order Calendars will be set by the Procedural Council. And the Rules have been condensed to eliminate all the multiple Local Calendars, Consent Calendars, the different types of calendars. We've reduced that to simply say that the Procedural Council will set the calendar. Of course this will be done with the advice and counsel of the Minority Leader.

And we have adopted a Rule that committees will not be able to adopt proposed committee bills without permission from the Speaker.

So we're focusing the Members; you have six bills you can file and the Rules have been streamlined.

I would like to yield, Mr. Speaker.

The last part of the Rules that you'll probably want to really read as we approach session, is a new Rule that allows the Committee on Rules to propose a special rule for a particular bill rather than applying the general rules to every bill. Then in the case of a particular bill, the Rules Committee may want to set a special rule.

And I'll yield to, if I could, Mr. Speaker, to Representative Goodlette to explain the special rule procedure.

**Speaker Feeney:** Representative Goodlette, a year ago I got a little concerned about you when you discarded that wonderful curly hairdo you had. [laughter] This week I have seen you walking around with the new Rules and the *Federalist Papers*. You're back in good graces. You are recognized.

**Rep. Goodlette:** Thank you, Mr. Speaker.

Members, I'll be short, or brief, maybe. [laughter]

A special rule must be approved by the council, that is the Procedural & Redistricting Council, by two-thirds vote before it is submitted to the House for approval. A special rule shall prescribe the time and the conditions of debate and the amendment of the bill. A special rule, and this is important, may include conditions for limiting or prohibiting any amendments. A special rule may designate two floor managers; one on the proponent side, another on the opponent side. Both of which, the floor managers that is, must be approved by the Majority and the Minority Leaders.

There are a few additional changes that Representative Byrd has alluded to. But, by and large, Members, these Rules combined the strengths of the past rules with some exciting, I believe, new changes. As you study this resolution more carefully, you will see that the work that went into creating the Rules for an effective, for a fair, and most importantly, for an open process, in the Florida House of Representatives.

Thank you, Mr. Speaker.

**Speaker Feeney:** Thank you. Representatives Byrd and Goodlette having explained the Rules, we will move into questions and debate. Would anybody like to be recognized for questions? Would anybody like to be recognized in debate? Representative Wiles, for debate on the Rules. You are recognized.

**Rep. Wiles:** Thank you, Mr. Speaker and let me offer first my congratulations to you on your new post.

Mr. Speaker and Members, I rise for two purposes this morning. The first is to recognize and acknowledge the cooperative atmosphere of you and the leadership team in the Florida House of Representatives and working with the Minority Party on developing these Rules. As it has been explained to you here briefly, as you review some of the Rules, you'll know and note, some of the older Members, that there have been several changes that we feel in the Minority Party, in the Democratic Party, are important. But the second reason for my brief remarks today is to point out one area that remains a concern. And I would direct your attention to your Rules on your desk to page 76, item number 12.5(b). That particular part of the Rules deals with an amendment to the general appropriations bill and it requires a two-thirds vote. This is not a change from the previous Rules, but has been a part of the House Rules since they were significantly overhauled in 1996. The Members, those of you who are new, and certainly all of those who have returned, will recognize that the appropriations bill is the only bill that our Florida's Constitution requires that we pass during an entire session. It certainly is one of the most significant bills that we deal with. Because out of five to six hundred bills, this one is probably the most significant in making policy decisions and in appropriating sufficient funds in order to realize the priorities that we have established here in the Florida House in cooperation with others. So it is with some concern, in fact great concern, among those of us here that we have a rule that in light of the significance of this bill, still requires such a significant majority. And we would ask that we continue to work together in some form of

compromise to work on this issue as well as several others. But in the spirit of bipartisan cooperation, let me tell you that I do not anticipate anything other than a unanimous vote on the House Rules today, at least from the House Democratic side.

Mr. Speaker and Members, I appreciate your patience as we explain some of the concerns that we have and look forward to voting on the Rules in just a few minutes.

**Speaker Feeney:** Thank you Representative Wiles. Is there further debate? There being none, Representative Byrd or Goodlette, would you like to close?

**Rep. Byrd:** Thank you, Mr. Speaker. These Rules will be the backbone and the structure as we move forward and I can assure you that the Speaker, Representative Wiles, Representative Frankel, we are committed to having a unanimous vote on the appropriations bill and that we will use every effort and that is the Speaker's desire to move forward into the next millennium in a real bipartisan spirit. So, without further ado, I would move the bill.

On motion by Rep. Byrd, HR 1-Org. was adopted. The vote was:

Session Vote Sequence: 3

Yeas—117

The Chair	Crow	Holloway	Paul
Alexander	Cusack	Jennings	Peterman
Allen	Davis	Johnson	Pickens
Andrews	Detert	Jordan	Prieguez
Argenziano	Diaz de la Portilla	Joyner	Rich
Arza	Diaz-Balart	Justice	Richardson
Attkisson	Dockery	Kallinger	Ritter
Atwater	Farkas	Kendrick	Romeo
Ausley	Fasano	Kilmer	Ross
Baker	Fields	Kosmas	Russell
Ball	Fiorentino	Kottkamp	Ryan
Barreiro	Flanagan	Kravitz	Seiler
Bean	Frankel	Kyle	Simmons
Bendross-Mindingall	Gannon	Lacasa	Siplin
Bennett	Garcia	Lee	Slosberg
Bense	Gardiner	Lerner	Smith
Benson	Gelber	Littlefield	Sobel
Berfield	Gibson	Lynn	Sorensen
Betancourt	Goodlette	Machek	Spratt
Bilirakis	Gottlieb	Mack	Stansel
Bowen	Green	Mayfield	Trovillion
Brown	Greenstein	Maygarden	Wallace
Brummer	Haridopolos	McGriff	Waters
Brutus	Harper	Meadows	Weissman
Bucher	Harrell	Mealor	Wiles
Bullard	Harrington	Melvin	Wilson
Byrd	Hart	Miller	Wishner
Cantens	Henriquez	Murman	
Carassas	Heyman	Needelman	
Clarke	Hogan	Negron	

Nays—None

Votes after roll call:

Yeas—Baxley, Mahon, Rubio

## Messages from the Senate

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has adopted SCR 2-Org. and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senator Rossin—

**SCR 2-Org.**—A concurrent resolution repealing present Joint Rule 7 and creating Joint Rules 7 and 8 of the Joint Rules of the Legislature.

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That present Joint Rule 7 of the Joint Rules of the Legislature is repealed and Joint Rules 7 and 8 of the Joint Rules of the Legislature are created to read:

### JOINT RULES JOINT RULE SEVEN JOINT LEGISLATIVE BUDGET COMMISSION

#### 7.1—General Responsibilities

(1) *The commission, as provided in chapter 216, Florida Statutes, shall receive and review notices of budget and personnel actions and proposed actions taken or to be taken by the executive and judicial branches and shall approve or disapprove such actions.*

(2) *Through the chairman, the commission shall advise the Governor and the Chief Justice of actions or proposed actions that exceed delegated authority or that are contrary to legislative policy and intent.*

(3) *To the extent possible, the commission shall inform members of the Legislature of budget amendments requested by the executive or judicial branches.*

(4) *The commission shall consult with the Comptroller and the Executive Office of the Governor on matters as required by chapter 216, Florida Statutes.*

(5) *The President of the Senate and the Speaker of the House of Representatives may jointly assign other responsibilities to the commission in addition to those assigned by law.*

(6) *The commission shall develop policies and procedures necessary to carry out its assigned responsibilities.*

(7) *The commission, with the approval of the President of the Senate and the Speaker of the House of Representatives, may appoint subcommittees as necessary to facilitate its work.*

#### 7.2—Zero-based Budgeting

(1) *The commission shall develop a schedule and apply zero-based budgeting principles in reviewing the budget of each state agency at least once every 8 years.*

(2) *By July 1 of each year, the commission shall issue instructions to the agencies whose budgets are to be reviewed prior to the next legislative session.*

(3) *The commission shall provide these reviews to the President of the Senate and the Speaker of the House of Representatives by December 31 of the year in which they are completed.*

(4) *By February 1, 2001, the commission shall provide to the President of the Senate and the Speaker of the House of Representatives a schedule for completing zero-based budgeting reviews of all state agencies prior to December 31, 2008.*

#### 7.3—Organizational Structure

(1) *The commission shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives. The appointees shall include the chairman of the Fiscal Responsibility Council in the House of Representatives and the chairman of the Committee on Appropriations in the Senate.*

(2) *The members of the commission shall elect a chairman and a vice chairman. In even-numbered years, a Senator shall be chairman and a House member vice chairman. In odd-numbered years, a House member shall be chairman and a Senator vice chairman.*

(3) *The commission shall meet at least quarterly and more frequently at the direction of the presiding officers or the chairman. Meetings may be conducted through teleconferences or other electronic means.*

(4) *A quorum shall consist of a majority of the commission members of each house plus one additional member of the commission.*

(5) *Action by the commission shall require a majority vote of the members present of each house.*

(6) *The commission shall be jointly staffed by the appropriations committees of both houses. During even-numbered years, the Senate shall provide the lead staff. During odd-numbered years, the House of Representatives shall provide the lead staff.*

#### 7.4—Notice of Commission Meetings

*Not less than 7 days prior to a meeting of the commission, a notice of the meeting, stating the items to be considered, date, time, and place, shall be filed with the Secretary of the Senate when the chairman is a Senator or with the Clerk of the House of Representatives when the chairman is a Representative. The Secretary or the Clerk shall distribute notice to the Legislature and the public, consistent with the rules and policies of their respective houses.*

### JOINT RULE EIGHT

#### CONTINUING EXISTENCE OF JOINT RULES

##### 8.1—Continuing Existence of Joint Rules

*All joint rules adopted by concurrent resolution, and amendments thereto, shall continue in effect from session to session or Legislature to Legislature until repealed by concurrent resolution.*

—was read the first time by title. On motion by Rep. Byrd, the rules were waived and the concurrent resolution was read the second time by title.

Rep. Byrd moved the adoption of the concurrent resolution.

**Speaker Feeney:** Representative Byrd having moved the adoption of the resolution, he's recognized to explain it.

**Rep. Byrd:** Thank you, Mr. Speaker. Members, this is a concurrent resolution with the Senate that will create a Joint Rule 7 regarding the Joint Legislative Budget Commission. And, Mr. Speaker, I would ask to yield to Representative Lacasa for further explanation.

**Speaker Feeney:** Representative Lacasa, you're recognized for further explanation.

**Rep. Lacasa:** Thank you, Mr. Speaker, I appreciate that. This rule implements the changes made in law during the last session regarding the budget amendments by state agencies that actually increases substantially the democratic process associated with post-session amendments to the budget.

It provides for the appointment of a Joint Legislative Budget Commission which assumes the responsibilities formerly held by the Administration Commission of the Cabinet, for approving or disapproving interim budget amendments. The commission is made up of seven Members of the House appointed by the Speaker and seven members of the Senate appointed by the President. It's also responsible for developing a schedule for, and implementing, zero-based budgeting for each state agency at least once every eight years, although we plan to do it a lot earlier than that. The commission is to be chaired by the Senate in even-numbered years and by the House in odd-numbered years and will be staffed in alternating years by our respective staffs. All votes of the commission are unit votes, that is, a majority of each side must approve any action.

**Speaker Feeney:** Thank you. Representative Lacasa having explained the concurrent resolution, are there questions on the resolution?

Representative Greenstein, you are recognized.

**Rep. Greenstein:** Thank you, Mr. Speaker. First of all I want to congratulate you and I'd also like to thank Representative Frankel and you for letting me sit on the Legislative Budget Commission.

Unlike Representative Goodlette, I'm going to stand tall here and just ask the question. Section 216.77 allows any member to request a revision of any action or proposed action that exceeds delegated authority. The statute requires this provision in the Joint Rules, but it

is not included in this proposal. Would the rules and the statute be interpreted to allow a member to make such a request, Representative Lacasa?

**Speaker Feeney:** Representative Lacasa, for a response.

**Rep. Lacasa:** Thank you, Mr. Speaker. Absolutely, Representative Greenstein. In fact the rules do not limit who can file the objections, they simply state the process for it, so it's open.

The question recurred on the adoption of SCR 2-Org., which was adopted and, under the Rule, immediately certified to the Senate.

#### Motion

On motion by Rep. Byrd, seconded by Rep. Goodlette, the Clerk was allowed to make technical and clerical changes to the House Rules adopted earlier today.

#### Select Committee Assignments

In response to the notice of contest received by the Clerk on November 6, 2000, the Speaker announced that he had created, under Rule 7.2, a Select Committee to Review the Charges of a Contested Seat in District 17 and had appointed Reps. Kendrick, Greenstein, Crow, and Ball to serve with Rep. Byrd, Chair.

The committee shall hold a hearing and report its findings and recommendations as soon as reasonably possible in accordance with Rule 1.4(b).

#### Remarks by the Speaker

**Speaker Feeney:** I'm going to start by telling you how fun and emotional it was to be nominated for Speaker of the Florida House of Representatives. I should start with my great friend, Mike Fasano. I've got a lot of friends here today. I've got friends that are with me all day long. Sometimes I've got some college buddies, friends who have been with me all night long. But, nobody has been by my side more regularly, 24 hours a day. They say that even Homer nods, but when it comes to his friendship and support of me, Mike Fasano has never nodded for a second. Thank you very much, Michael. [applause] Johnnie Byrd, you've been right there by John Thrasher's side and my side and it's a great comfort to know that you're going to be in that chair, first violin, for the next two years. It will give me the moral support and the confidence I need to go forward and make sure that we do our work on behalf of the people of Florida. I'm glad you're there. Representative Argenziano, you made me emotional as well. I've seen you choked up and I've seen you fired up. I'd rather have you choked up any day of the week. [laughter] Is that right, Speaker Thrasher? [laughter] And finally, Carlos Lacasa. The one bill that we do have to pass every year and the only bill that we have to pass is the appropriations bill. Because of the supreme confidence I have in the wisdom and the patience and the intellect of Carlos Lacasa, I've asked him to make sure we have an appropriations bill that all of us can be proud of in meeting the needs of Floridians. Thank you very much for being here.

I want to recognize all of the dignitaries that are here. Thank you to all the former Speakers, Lieutenant Governor Brantley, Senator Kiser, Leader Mortham, Speaker Thrasher, and my good friend, Senator Connie Mack, and his wife, Priscilla. We're so grateful that you could join us today as well as the Governor and our Cabinet. I would suggest to you that as we enter some difficult philosophical debates that all of us feel passionate about, that we could all take a great lesson from Senator Connie Mack. He is able to deal with the most difficult and contentious of issues in a dispassionate, honorable, and respectful way that gives all Americans, whether they agree with him or not, great confidence in their public servants that are in Washington representing them. If we could emulate Senator Mack as we deal with our most difficult and contentious issues I would be forever proud. Thank you for being here and thank you for your service. [applause]

I sat with Speaker Wetherell the other night. We've got some great Speakers here, but he was the first Speaker that I served under. From T. K. I learned a couple of things; number one, respect for the

institution. I'm not sure he was convinced after two years of dealing with me that I had learned anything, let alone respect for the institution. But I assure you, I did. I also got some advice from T. K. the other night—and he's an advisor as these gentlemen are on both sides of the aisle—and we're grateful for your help. I got some advice, and that was to have fun. And that will be some advice I'd give to all 120 Members. This is a difficult process and it's a process where we have to work hard, but while we're at it we can have a great deal of fun. And I hope that you will do as Speaker Wetherell advised.

Under Dan Webster, when I came back to the House in 1996, and Speaker Webster was down here earlier, we did some dramatic things. We changed dramatically the process in the Florida House. For example, we no longer regularly conduct business at 10:00 at night, 12:00 at night, sometimes 2, 3, 4 in the morning. Just one of the many things we were so proud of as Speaker Webster instituted a process that we could do in the daylight and be proud of and answer for. And we were very grateful and I had a great opportunity to serve at the side of Speaker Webster. Under Speaker John Thrasher, he gave me every opportunity to participate, kept me probably more busy than I was able to do sometimes. But, it really was the best thing possible to prepare me for the challenges of the next two years. And under Speaker Thrasher, when we had the first Republican Governor, Senate, and House since Reconstruction, we were able to accomplish some dramatic things that I'm proud of. We have a reduced taxation environment on our families and businesses. We have reduced regulation. I think we have a fairer civil litigation environment. None of that would have happened without your great leadership. Thank you so much for being here. [applause]

And I'm grateful to all the Members and their families who are here today. I'm asked especially by some of the newer Members what it's like to become Speaker of the House. I've travelled this state twice on two political missions: one was in 1994 when I ran with Governor Bush, and the second one was as I ran the last two, three years to meet the people of Florida and to become Speaker of the House. And some of the things I like to tell folks, to show how diverse and incredibly interesting our state is, is that I've had the opportunity, Jerry Maygarden and Melvin, to become a member of the Irish Politicians Club in Pensacola. Thanks Representative Sorensen and the Mayor of Key West, I'm an honorary Conch. I have a key to Jacksonville and several other cities. One of my favorite stories, Representative Kilmer, is about attending the Possum Festival. Now, for those of you in Northwest Florida, you know all about the Possum Festival. But unless you've run for statewide office, trust me you don't. And I'll give you all a hint because enough of us former Yankees have been surprised by this one. When you first show up for your first Possum Festival, you are a statewide dignitary, you are shuffled into a line to have your share, believe it or not, of possum. It was only after I had eaten halfway through my plate—Representative Kendrick is laughing over here—only after I had gotten halfway through my plate of possum which would have gone down much better, by the way, with two or three cold beers I'm sure, only after I had got through that plate did I recognize that none of the local folks were eating possum. [laughter] And I went up to, this is a true story, I went up to a gentleman who looked about 72, 74 years old and I asked him if they had eaten before we'd come and why weren't they sharing in the possum. And he said, Representative Feeney, I haven't eaten possum since the Depression. [laughter] Those of you that wander out in pursuit of statewide office, I've given you a hint. I hope you're forever grateful. For your taste possum you will be, trust me. [laughter]

I want to congratulate all of you who are here today and to say that this is a great opportunity to serve you as your Speaker is an incredible understatement. Abraham Lincoln reminded us that "Nearly all men can stand adversity, but if you [really] want to test a man's character, give him power." I want to assure you that I intend to pass that test. I will do my absolute best to honor that trust that you, on behalf of the people and all of the people of Florida, have placed in me today. I also want to say that I fully understand that just as each of us derives what power we have from the people we represent, I derive what little power I have from each of you individually on behalf of those people you represent. I pledge to you that I will use that power only in the best interest of the House of Representatives and ultimately in the interest of the people of the great state of Florida.

And I need to first introduce to you a small group of friends. I've got some friends over here from the Oviedo area, my law partner, Cheryl, and Andy Feeney. It's great to have all of you. Shannon, who also does a great job working in my office, I'm glad that you're here today. You met some of my family. I've got some of my college friends, some of my other friends from the Orlando area, I'm glad to have all of you here. But I want to reintroduce, you know, my most immediate family very quickly. Those of you who have had the chance to meet my wife, Ellen, and she's got a respite from my two boys because they are with the rest of the kids and the first time she's sat down in about four days in Tallahassee. Ellen works as a chemical engineer at Kennedy Space Center. In addition she raises two very rambunctious boys, often with little help from me. My adversaries have pointed out over time that I'm no rocket scientist and that's true, but my wife, Ellen, is. Ellen, I'm so proud to have you here. [applause] Tommy, who led the Pledge of Allegiance today along with a lot of the children of the Members of the House and grandchildren, got his first report card the other day and I was very, very proud and somewhat surprised that he got straight As. He's a good looking young man for those of you who have seen him. And he is lucky to get both his looks and his brains from his mom. And we're grateful for Tommy. Sean, who you may have recognized wandering around, he turned over two plants full of dirt in the Speaker's Office last night. We ejected our first two-year-old from the Speaker's Office, to my knowledge. Sean has curly hair and we're just hopeful—he doesn't have a report card yet—that he gets only his looks and not his brains from my side of the family. But we've got two wonderful boys and we're very proud of them. And for Uncle Ed and Aunt Darlene, mom and dad, my brother-in-law Doug Laman, my sister Jo, my sister Carole, my niece Jenny, and Joshua is upstairs with the kids, and all of my friends, we're really grateful you're here. I should say that my third sister is not here today. She has two very, very brave young boys. Chris, who's 10, just recently underwent his second treatment for cancer. His brother was the donor and we're very proud of him, too. [applause]

And I want to thank Justice Wells here today. He helped make this a very special occasion for us. He has some incredible duties on a year-round basis, but, as you can imagine those duties are especially significant and demanding now and we are grateful. I think all of our new Members will come to be grateful for the fact that he took time to come over and participate in your first swearing in. And, I know I'm grateful as well.

I'd like to welcome another distinguished group of people, 63 brand-new state Representatives. I'm informed, former Representative Bullard, that not only do we have the first male spouse of a former Rep. but I'm informed by Representative Brutus that we have our first Haitian-American Representative. Congratulations. [applause] And only once since our first Legislative Session in 1845 have we had more new Members of the Florida House of Representatives. And some may mourn the loss of experience that accompanies term limits, but I prefer to celebrate the vibrancy and the new ideas that this influx of great new Members will bring. While their term in the Florida House has been limited, their potential for rapid advancement into leadership roles, not just in this House but throughout the state and the country is limitless. I believe deeply it's a great honor to preside over a class that in my view will probably include future Florida Governors, U.S. Senators, Congressmen and women, probably future Speakers of the Florida House, and for those wayward few who head down to the Florida Senate, maybe even a Senate President. We are so excited about the opportunity to participate with our new freshman class. Congratulations. [applause]

We have a substantial advantage over that first Legislature. We've got 57 experienced Members who are here to complement that freshman class. I am confident that this combination of experience and enthusiasm will result in the best two years the Florida Legislature has ever had. We senior Members have an incredible opportunity and obligation to mentor this wonderful new class and demonstrate by example how true leaders can make a difference on behalf of the people of Florida. Our returning Members, along with Speaker pro tem Murman, Representatives Frankel and Wiles, Representative Fasano, the Majority Leader, and my guidance, along with the rest of our



returning Members, I think are prepared to meet that incredible task of helping these new Members. We're prepared, we'll be there.

It may surprise you to know, Bill Daniels and Robert King, among others, that I'm not the first Speaker of the Florida House of Representatives from Oviedo. In 1887, George H. Browne from Oviedo took over as Speaker when Speaker Samuel Pasco resigned to take a seat in the United States Senate. Speaker Browne's distinguished service on behalf of Oviedo and the people of Florida lasted only 10 days, which was the time remaining until the end of that Legislative Session. I certainly hope to quickly beat his record of 10 days [laughter] as Speaker from Oviedo. Back in 1887, Speaker Browne dealt with some interesting issues, such as an effort to punish people selling liquor during election time. Speaker Browne also had to call upon Congress to establish better mail service between Hillsborough and Pinellas Counties. I understand we still have some communication problems from time to time between Hillsborough and Pinellas Counties. [laughter] Interestingly enough, in 1887 the Legislature dealt with requiring school boards to make an equal distribution of money. The 1887 Legislature appropriated just a little bit over \$400,000 for the entire state budget for Florida. Already many of you already have a couple in mind, a couple of Member projects, that far exceed the total budget in 1887.

And the eyes of the world, whether we like it or not, have been on us the last few days in Florida. As public officials we have an opportunity to lead this great state forward with dignity and show the world that we're not the state that is sometimes portrayed in the evening news. If there are challenges, we tend to them. If there are problems, we fix them. And the solutions normally start right here in the Florida House of Representatives. We are up to the task.

Two weeks ago we were all passionately involved in our campaigns, some of them very contentious and heated, but all of them successful as evidenced by your presence here today. Campaigns and politics are about contrasts and differences. The campaigns are over. We're here to do the people's business. And this is not a Republican House of Representatives. This is not a Democratic House of Representatives. This is the people's house. And every decision we make, if we remember the people we are here to serve and ensure that our decisions reflect their concerns and values, we will have fulfilled that sacred trust that they have placed in us, and we will have done our duty as servants of the public.

I'd like to outline some goals and some principles, very briefly, that may be significant to you if you are interested in councils and the committee assignments. In order to prepare Florida for the new economy, I'd like to outline those five goals that our council structure will reflect. Florida and the world is a changed place since Speaker Browne held the House gavel. We are headed toward a wireless world where information moves at an unimaginable pace. Our economy is now driven by knowledge and technology. It is critical that as we move through the thousands of bills we'll consider over the next two years, we make sure we do everything we can to prepare Florida for this new economy. The United States is uniquely positioned as a leader in the world's digital economy, and Florida is uniquely positioned to lead America. Our demographics make Florida look like what the rest of America will look like decades from now. This gives us a great opportunity to lead the nation into this interesting, fascinating, and challenging future. Florida also has the resources to lead our nation's economic engine as we move into this era. Other states have taken advantage in some cases of the new opportunities with fewer resources than are available to us. It's time that we make sure that we are using all those resources at our disposal, including our wonderful cultural diversity, to help the people of Florida take advantage and enjoy all the benefits we can provide.

The first goal that we're going to set out is a goal of **LIFELONG LEARNING**.

And it's going to be a council that encompasses much of our education work. Education is the single largest barrier to Florida's dominance of the new economy. George Washington said, "... there is nothing which can better deserve your patronage, than the promotion of Science and

Literature. Knowledge is in every country the surest basis of public[k] happiness." Our duty as Representatives is to promote and protect life, liberty, and the pursuit of happiness. And, a prerequisite to reaching that goal is to provide every Floridian with a quality education. That is also the first step we must take in preparing Florida for this new economy.

We have to continue the innovative education reforms laid out by Governor Bush and [Lieutenant Governor] Brogan, which have begun to revitalize our K-12 education system. We have to ensure every child is given the tools to succeed in today's world, and each child in our public schools is challenged to receive a year's worth of knowledge in a year's worth of time.

We must provide every Floridian with quality, lifelong learning opportunities. The traditional education model where people graduate from high school at 18, go on to some college and graduate by 22 is obsolete. Too many of the students in our colleges and universities are non-traditional, older students seeking a degree to begin a second or a third career. They are single parents going back to get a degree and provide for their children. They may also be students who put their education on hold for one reason or another and now want to complete it and improve their opportunities. For many of these new students, distance learning, among other new technological advantages, will give tomorrow's class the tools to succeed in our dynamic business environment. Their success is what Florida's tax dollars ought to be purchasing. It should no longer be necessary for a student to move to a university town, sit in the same classroom at the same time each day for 13 weeks, to complete a course. A few years ago, the United States Department of Education announced that 50 percent of Americans were functionally illiterate. We all know that we cannot afford to leave one child behind, but we must also make sure that we don't leave any adults behind either. [applause] Thank you.

My mom and dad have been public educators for all of their lives. When I was in middle school my father became, at a local community college, the Assistant Dean of Continuing Education, which meant adult education and lifelong learning. Today, 67-year-old Pa-Pop, when he comes to our house, after he says hello to Tommy and Sean, gets on the Internet so he can communicate with the rest of his grandchildren around the country. And that is an example of lifelong learning. I am proud to be able to name the Lifelong Learning Council after my dad, Tom Feeney, the "real Tom Feeney", he will tell you. [applause]

The way to achieve this goal of lifelong learning is to make sure we have a seamless approach to education in Florida. Our education structure system must recognize the myriad of personal situations affecting students' lives and utilize the incredible new technologies available to make sure every child, every adult, has access to first-rate educational opportunities.

Our second goal is going to be **SMARTER GOVERNMENT**.

In preparing Florida for the new economy, we must also provide smarter government. Florida's citizens can't afford to allow government to be the sole provider of critical services. That old system fails in accountability and it fails in providing the varied services Floridians, all of us, need and want. Smarter government means we must examine every aspect of how we function, from our personnel systems to our service delivery, and we must demand that all of those systems are functioning in the most efficient manner possible. We must run government as a 21st-century enterprise.

Our government should encourage Floridians to participate in the multitude of new opportunities available, and we must make sure that our state government does not stifle the entrepreneurial spirit, which is the lifeblood of our vibrant economy. We must use all of the tools of technology to ensure that state government doesn't shuffle responsibility through multiple layers of bureaucracy, but looks proactively to solve our citizen's problems and actively seeks their input on issues important to them. In all of our deliberations, we must ensure that government serves the people and not itself.

Our third goal and third council structure will be that for **COMPETITIVE COMMERCE**.

Government must not treat business as the enemy. Rather it should exalt our businesses throughout the state as our citizens' employers and the economic engine that funds our state services. Critical to our success is to promote an atmosphere of competitive commerce in Florida. We should strive to get rid of any non-competitive environments that occur when special interests take precedence over the public interest. As we look to purge our government of unnecessary laws that promote and preserve anti-competitive advantages, we will go a long way towards enabling new jobs and economic growth for all of our communities. Not only must we ensure a level playing field for business, we must also ensure that government does not unduly burden our businesses. While we were working to get elected, community leaders throughout Florida have been studying this issue and will report to us their conclusions about the way Florida currently responds to the needs and challenges of growth and the structure of our tax system. We will soon be called upon to ensure that our growth management laws properly serve our citizens and that our tax structure is both fair and appropriate to meet the needs of the people of Florida.

Our fourth goal is that of READY INFRASTRUCTURE.

As Florida continues to grow, we must be prepared with the best infrastructure that we can afford and we can build. We are facing massive challenges in providing the basic services upon which all Floridians depend. We can no longer afford to be satisfied with a top-down, one-size-fits-all approach to solving the unique problems our diverse communities are facing. State government should retain the authority to set important statewide priorities, but we should empower local communities to solve their own problems—trusting local people to know what is best in their own counties, their cities, and their neighborhoods. Our ports, our airports, our roads, and our mass transit systems must be world-class to facilitate this new economy.

Our fifth and final goal will be that of HEALTHY COMMUNITIES.

Possibly the greatest challenge we face in the next two years is to ensure that all Floridians are able to live in healthy communities. That means building on Florida's success with the KidCare program to make sure our children have access to preventative health care and immunizations that will allow them to grow and learn and to achieve their full potential as Floridians and as human beings. It also means allowing our seniors to live their retirement years with the dignity and respect that they have earned by their great service to our state and our nation. When it becomes necessary, we must also ensure that community-based care is available, as it both preserves the dignity of our citizens and is cost efficient to our taxpayers. In order to be healthy our communities must also be safe. Crime rates have plummeted, I think in large part to the work of this Florida House, and thanks to the effects of 10-20-Life, tougher minimum sentences, and awareness that Florida will punish and remove from society those who are violent and can't follow society's rules. Therefore, we must continue finding innovative ways to crack down on violent criminals as well as those who prey upon those most vulnerable in our society—our seniors and our children.

Over the next two years, I urge each of you to help us, join us, in these bipartisan and nonpartisan goals:

Improving lifelong learning;

Creating smarter government;

Encouraging competitive commerce;

Providing ready infrastructure; and

Promoting healthy communities.

And I promise that in these two years that you will be challenged, you will be challenged repeatedly. You will not always be able to please everyone, but you will be involved in working through the significant issues that face your communities and all of the state of Florida. As you evaluate proposals that you will confront, whether it's a small bill or an amendment or rather it's the biggest package that we send through the House, I would ask you, and I would remind you, to reaffirm, if you would, and the leadership of the Florida House will reaffirm, the five principles that we've used in meeting our goals under Speaker Webster and Speaker Thrasher: Smaller Government, Lower Taxes, More Freedom, Individual Responsibility, and yes, Representative Murman, Empowered Families. Those are the principles that we will use to enact our five goals.

I like to consider myself a man of ideas and ideals. But the fact is that I am guided by certain principles and that I adhere strongly to them hardly makes me afraid of new discussion, new ideas, and different principles and ideals. On the contrary, I really look forward to presiding over a House that's full of new proposals, fresh ideas, spirited debate between honorable men and women in this Chamber, in this House, today.

We have come a long way in recent years toward ensuring that the people's voice is heard in every decision we make, but I believe we can go further. If we hope to retain the trust of the people in Florida, I think it is imperative that we conduct the people's business where the people can participate. It's my goal, therefore, that most of the work of forming and amending legislation will be accomplished in the committees and respective councils, leaving the Chamber floor as a place where we can debate with our great ideas and principles the yeas or nays of individual proposals.

It was Aristotle who reminded us that "We are what we repeatedly do. Excellence, then, is not an act but a habit." As we begin this new day in the Florida House of Representatives, let us make excellence our habit, work together to cast off the burdens of the past and dedicate every decision we make to the health and the prosperity of the people of Florida.

It's been a long session, we're going to have other long sessions. I want to say that I am very grateful for the participation of all the family members, that we really do have a great opportunity to have a lot of fun and do a lot of good these next two years. Thank you, and God bless each and every one of you. [applause]

#### **Motion**

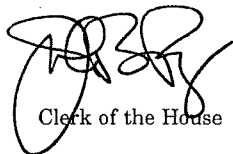
On motion by Rep. Crow, the rules were waived and all organization remarks were ordered spread upon the *Journal*.

#### **Adjournment**

On motion by Rep. Byrd, the House adjourned at 1:22 p.m. *sine die*.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages numbered 1 through 42, 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 80th House since Statehood in 1845, convened under the Constitution, held November 21, 2000.



Clerk of the House

Tallahassee, Florida  
November 21, 2000