

The Florida House of Representatives

**The Language of Lawmaking
in Florida VIII**

**A publication
compiled by the Office of the Clerk**

Tallahassee
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Chamber Talk

Just as each profession, trade, occupation, and even sport has its own language, so does lawmaking.

If you went to court, you would not be surprised to hear the judge and the lawyers using words that were strange to you. If you were watching a football game for the first time, you surely would be puzzled over the meaning of some of the action on the field and the terminology used to describe it.

A visitor in the gallery of the House of Representatives should not be dismayed to hear words and phrases that are not immediately meaningful. Lawmaking is a process that moves according to timeless ritual—much as does the administration of justice in the courts.

The language of lawmaking has its own vocabulary of words and phrases, of chamber talk, and corridor cliché. As nearly everyone who has attended a legislative conference knows, this language is not uniform from state to state. For example, a “turkey” in Florida means something different from a “turkey” in New York. In Florida, the term is used to denote an item in the General Appropriations Bill dear to the heart of one legislator, whereas in New York a “turkey” is a bill, reports *The New York Times*, “so bad, and so badly written that even the majority leadership’s backing won’t help it.”

The Language of Lawmaking embraces the customs and practices of the House of Representatives. Also, *Language* includes anecdotes that convey a sense of life in the House. For example, there was the day in the 1965 session when Minority Leader Donald H. Reed, Jr. requested a ruling of Speaker E. C. Rowell on a possible conflict of interest. Rowell rapped his gavel for attention and said, “The Chair rules the lawyers will read the Canon of Ethics, and we laymen will read the Bible. Take up the next amendment.”

As Governor Fuller Warren once said, “The key word to the reason for this greater interest is significance.

“Yesterday’s bridge game is forgotten today, or tomorrow at the latest,” observed Governor Warren. “Yesterday’s baseball game is only a topic

of conversation today and the same thing holds true of a horse race or golf match. None of these events affect those who do not actually *participate* in them, except to give the nonparticipants something to talk about, but government is a different matter.”

As Lucinda Simon wrote of “Legislative Lingo” in the magazine *State Legislatures*,

To be sure, the language of lawmaking is colorful and varied, a polyglot rooted in Latin and Greek, nurtured in English parliamentary history, grafted with branches from French, Dutch, German, and Spanish, colored thoroughly American by history and politics.

Indeed, the amateur etymologist finds a true feast in the halls of lawmaking. From the ancient tribunals of Rome, we inherited the basic *legislator* from the Latin root ‘*lex*’ meaning law, *senate* from ‘*senatus*’ meaning literally council of old men, ‘*veto*’ meaning forbid, ‘*viva voce*’ meaning living voice and of course, ‘*sine die*’ translated as without a day, thus signaling adjournment without fixing a time for future meetings. An ancient Athenian statesman lent his name for the term *Solon* meaning wise lawgiver.

This publication may be regarded as a program to help those interested in the Florida legislative process understand the players. The players will be the legislators, the staff, the lobbyists, and the press. In fact, the lobbyists have likely contributed more than the other groups to the irreverent words and phrases.

The language of lawmaking is a living language. Contributions to *Language* are welcome.

-A-

ACCEPT To accept a report is the same as to adopt it. This wording is customarily used in connection with a conference committee report.

ACRONYMS Words alone are not enough to understand the language of Florida lawmaking. Acronyms (or words formed from the initial letters or parts of a series of words) are used as shorthand in committee and in the Chamber debate.

ACT An act is a bill that has passed both houses of the Legislature, been signed by the Governor, and is published annually in the bound volumes of *Laws of Florida*.

See **STATUTES**

ACTS, GENERAL AND SPECIAL Compilations of the general and special acts are available from Law Book Services, Pepper Building, Tallahassee 32399-1400, following each regular session in hardbound form or CD-ROM. The price depends upon printing costs. They are also available online at www.myfloridahouse.gov.

See **STATUTES**

AD HOC COMMITTEE The term *ad hoc* literally means “for this.” These are committees appointed by the Speaker for some special purpose. The committee automatically dissolves upon the completion of the specified task, but may also be dissolved at a time certain.

See **COMMITTEE**

ADJOURNMENT The House of Representatives either ends its business day by adjourning until a stated time on another day or until the time fixed by its rules for reconvening. The Senate’s terminology for ending its business day is “recess.” *Sine die* (“without day”) adjournment is the final action of a legislative session.

See **SINE DIE**

ADOPTED Resolutions, memorials, and amendments are “adopted,” bills are “passed.” There is a difference. Adopt means to consent to or accept; pass means to enact by the requisite number of votes. In the Florida Legislature, resolutions (except joint resolutions) and amendments are usually adopted by a voice vote. Bills, as required by the Constitution, are passed by the recorded votes of a majority of the

members present. Joint resolutions are passed by a three-fifths vote of the membership.

See **PASSED, EXTRAORDINARY VOTES**

ADVERTISING The Florida Constitution, in Section 10 of Article III, mandates that no special law shall be passed unless notice of intention to seek enactment has been published. This publication, by law, must be done one time at least 30 days before introduction of the bill. The publication should state what is intended in terms adequate to put the public on notice, but not so specifically that an amendment would flaw the notice. Typically, printing in a newspaper provides notarized publication of the notice. This is known as “proof of publication.” The fact of publication must be recorded in the *Journal* of each house at the time of introduction. It is not necessary to advertise local bills whose effectiveness is conditioned upon acceptance by the affected public in a referendum.

See **LAWS, SPECIAL**

ADVISE AND CONSENT

See **CONFIRMATION**

AGENDA The listing of business to be considered at a committee meeting. An agenda is included in the official notice of a meeting.

AMENDMENT Changes in any bill (or other proposed legislation) may be offered by a committee or an individual legislator in the form of an amendment to a specific portion of the pending bill. When offered on the floor, the text of the amendment is printed in the *Journal*, even if the amendment is rejected by the membership, because it is an official action taken by the legislative body. Rules of the House and Senate govern the amendment process. Rules relating to amendments have been the subject of more points of order than any other.

AMENDMENT, CONSTITUTIONAL

See **CONSTITUTIONAL AMENDMENT, STATE**

AMENDMENTS Amendments have two meanings: the language itself and its applicability and placement in the bill before the Legislature. An amendment may be offered in four forms: (1) an amendment to the pending bill, (2) an amendment to the amendment, (3) a substitute amendment, and (4) an amendment to the substitute.

For example, after the amendatory process in the House has been completed and the bill passed and sent to the Senate, the Senate may begin the amendatory process anew. Upon return of the bill, the House may concur in the Senate amendment(s), refuse to concur and ask the Senate to recede, or amend the Senate amendment. If it amends the Senate amendment, there may be an effort to further amend the Senate amendment. This would be “amending to the third degree,” which is prohibited. An amendment of the third degree would be “an amendment to an amendment to an amendment.”

AMENDMENTS, COMMITTEE

See **COMMITTEE AMENDMENTS**

AMENDMENTS, CONFERENCE COMMITTEE

See **CONFERENCE COMMITTEE**

AMENDMENTS, TECHNICAL

See **TECHNICAL AMENDMENT**

ANNOUNCING According to the Rules of the House and Senate, presiding officers shall “announce” the vote result to the body, and the action shall be recorded upon the *Journal*.

APPEAL A legislator may challenge any ruling of the presiding officer by appealing to the body to override this decision. This is infrequently done (the most recent was April 30, 1937) and never successfully in the Florida House since May 17, 1893—so deeply rooted is the belief in upholding the institution of the Chair. This tradition imposes a duty upon the Chair to be abundantly fair. The solemn nature is emphasized by the Speaker leaving the Chair with a temporary presiding officer taking over during consideration of the appeal.

APPOINTMENT The selection by some authority—Speaker, President, or Governor for example—of a person to perform a responsibility.

APPORTIONMENT

See **REAPPORTIONMENT** or **REDISTRICTING**

APPROPRIATIONS BILL This is a bill authorizing the spending of public money. “Appropriation” was first used in South Carolina in

1761 to mean the disbursement of money.

See **GENERAL APPROPRIATIONS BILL; CONFORMING BILLS; IMPLEMENTING BILL**

AUDITOR GENERAL The Constitution, in Article III, Section 2, says, “The legislature shall appoint an auditor to serve at its pleasure who shall audit public records and perform related duties as prescribed by law or concurrent resolution.” In 1967, this auditor, known as the Auditor General, superseded the State Auditor, an officer of the Executive Department.

AUTHOR Few legislative measures are actually drafted by the first-named sponsor (also known as “prime sponsor”), but the member or group who has directed the composition of the bill may be called its author.

See **FIRST-NAMED SPONSOR**

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BARCODE House and Senate bills and amendments are barcoded so they can be scanned for display purposes on an overhead display board. This is done as a convenience for members in the Chamber to see what is up for consideration.

BICAMERAL A legislature with two houses; in Florida, a Senate and a House of Representatives. Only Nebraska has a *unicameral*, or one-house, legislature. Florida had a one house legislature between 1822 and 1839.

See **UNICAMERAL**

BILL A bill is a proposed law. Any legislator, all standing committees and subcommittees, and some select committees, if empowered by the Speaker, may introduce bills. Today’s legislator, faced with a constituent’s problem, likely will do as a predecessor in 1382 who “pees in-to parlement and putte vp a bylle.”* Today’s bills receive their identifying number when the bill draft is released for filing through the Bill Drafting division. It is then filed with the Clerk of the House or the Secretary of the Senate. Bills include House bills (HB) and Senate bills (SB), but there also are House joint resolutions

*from the poem *Piers the Ploughman* by William Langland

(HJR) and Senate joint resolutions (SJR) for proposed constitutional amendments. There are House resolutions (HR) and Senate resolutions (SR), which are generally expressions of approval or recognition, and House memorials (HM) and Senate memorials (SM), which are used to voice concerns and indicate opinions to the U.S. Congress. House concurrent resolutions (HCR) and Senate concurrent resolutions (SCR) are used to voice the opinion of both houses, to express rejection or ratification of amendments to the U.S. Constitution, and to extend sessions. Beginning in 1990, House bills have been odd-numbered and Senate bills have been even-numbered.

BILL HISTORY A daily history showing the status and prior actions on all legislation. This information can be found at the Legislature's websites, www.myfloridahouse.gov and www.flsenate.gov, in several forms. On the House site, the "Bills" section lists bills numerically and carries the full bill history. Under the "Documents" then "Reference" section, the publication Bill Citator, produced by the joint Legislative Information Division, also details bill action and lists it in several useful formats. Following the session, the Division publishes a complete history of each bill or resolution, including the action taken by the Governor and the chapter number assigned by the Department of State in the appropriate instances.

BILL, PREFILED

See **PREFILING**

BILLS, NONCONTROVERSIAL

See **NONCONTROVERSIAL BILLS; CONSENT CALENDAR**

BILLS, NUMBER ENACTED About one-sixth of the general bills introduced are passed by both houses and become acts. In the 2011 Regular Session, there were 1,850 general bills filed in the House and Senate. Since 235 general bills passed both houses and became acts, the percentage of bills passed to bills filed was approximately 13 percent.

BLACK CAUCUS The first formal organization of African-American members occurred in November 1982 when returns from the general election showed ten had been elected to the House and two to the Senate. Senator Carrie P. Meek, who previously had served in the House, was chosen as the first chair.

[Carrie P. Meek, Miami, House 1979-1982, Senate 1982-1992]

BLUE DOGS An informal organization (or caucus) of conservative Democrats.

BOARD, THE The panels of the voting machine electronically showing how members have voted.

See **ELECTRONIC VOTING**

BUBBLE In the Chamber of the House, on each side at the rear, there are two small glass-enclosed areas. These are known as the “bubbles.” One of these is used to house the team from the House Bill Drafting service that helps members with the drafting of floor amendments. The other is used for conferences by small groups of legislators during sessions. The term “bubble” was originally coined as a reference to the round glass meeting room in the northwest corner of the old House Chamber.

BUDGET The budget is the General Appropriations Act less amounts vetoed by the Governor and including appropriations in substantive bills. The budget is amended during the course of the fiscal year in accordance with the provisions of Chapter 216, Florida Statutes, or by another bill containing appropriations becoming law.

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CALENDAR The *Calendar* is a printed listing of the bills (and other proposed legislation) by short title reported from committees and ready for floor consideration. Those bills listed are bills on Second Reading, Special Order, and Third Reading. However, “calendar” can be used in an intangible sense, as a stage in the process of making a bill eligible for consideration. The *Calendar* also lists meetings of committees scheduled for that day. Like the *Journal*, the *Calendars* are initially released through the Internet and available on the House website. Printed forms of these documents are available to legislators and the public on the morning of each legislative day. The public may obtain copies from the Office of the Clerk, Multimedia Services Division. Legislatures in the U.S. have used calendars in the process since 1839.

CALENDAR, CONSENT

See **CONSENT CALENDAR**

CALL, THE This is the proclamation of the Governor or of the presiding officers of the House and Senate convening the Legislature in Special Session and stating the necessity for the session. The Legislature is restricted to considering only matters pertaining directly to the Call unless two-thirds of the members elected to each house vote to consider a bill on another subject.

CARRIED “Carried” is the same as “adopted.”

CAUCUS In the Florida Legislature a caucus is a meeting of legislators of a political party, members from a geographical area, or members allied for some momentary purpose. Legislative officers are designated and nominated within the political parties at caucuses. Party positions on pending legislation may be determined in caucuses. The two party caucuses have their own rules by which they are governed.
See **BLACK CAUCUS; CONFERENCE**

CAUCUS, OPEN AND SECRET The question of whether balloting in caucus for designation of a presiding officer should be by secret or public ballot recurs frequently. Some caucus or conference rules may permit or prohibit.

CENSURE A resolution adopted by a house of the Legislature condemning the conduct of one of its members or of some other public official—a step short of either expulsion or impeachment.

CHAIR The Chair is used to describe the presiding officer as, for example, a member inquires, “How did the Chair rule on the point of order?” or, responding, “The Chair rules the amendment out of order.” “Chair” came into use as a democratic alternative for “throne.” Use of the word “chair” draws attention to the office rather than the individual who occupies it.

See **SPEAKER**

CHAMBER The hall in which the Senate or the House meets.
See **WELL**

CHAPLAIN When a member of the clergy is designated by the presiding officer, he/she is known as the chaplain. Both houses have instituted a system of using a different chaplain each session day. They are paid a uniform honorarium, and the opportunity to be “minister of

the day” is highly regarded. All faiths have equal opportunity: pastors, priests, lay readers, and rabbis all have appeared.

CHAPTER LAW When an individual bill is enacted into law at a particular session of the Legislature it becomes a “chapter law,” so called because of the identifying number assigned to it, such as chapter number 2011-186. Chapter laws are collected and published annually in the *Laws of Florida*. The substance of most general chapter laws is subsequently condensed and merged into the next edition of the Florida Statutes.

CITATION As it relates to bill drafting, a citation is a specific reference to a section, subsection, or paragraph of the law (i.e., s. 11.242, Florida Statutes, or section 1 of chapter 2011-152, *Laws of Florida*) or to another portion of the bill itself (i.e., subsection (3) of section 5).

CLAIM BILL A claim bill, or “relief act,” is a bill that compensates a particular individual or entity for injuries or losses occasioned by the negligence or error of a public officer or agency. It is a means by which an injured party may recover damages even though the public officer or agency involved may be immune from attack by an ordinary lawsuit. See **SPECIAL MASTERS**

CLERK/SECRETARY The Clerk of the House and the Secretary of the Senate are constitutional officers designated by their appropriate body. They have the responsibility of recording the transit of bills from bill filing, when legislation receives an identifying number, to delivery of enrolled (passed) bills to the Governor. Committees report to the Clerk and Secretary the action taken on bills referred to them. These officers are the official record keepers of formal action taken by their respective houses.

Aside from the safeguarding of legislation, the offices of the Clerk and Secretary draft and print two primary daily publications, the *Journal* and the *Calendar*. The *Journal* is a record of the official actions in the Chamber and committees and subcommittees. The *Calendar* records the scheduling of chamber and committee activity as well as providing notice of bills coming before the body for consideration. Copies of legislative documents are printed and distributed on demand by the Clerk and Secretary through their print shops, duplicating rooms, and document offices.

CLERK'S MANUAL A small book published every two years by the Office of the Clerk that contains pictures and biographical information about each member of the House and Senate and lists committee memberships and other useful information.

CLINIC A clinic was established in 1967. It is staffed year-round by two registered nurses. Each session day, a “doctor of the day” joins the staff. This program is coordinated by the Florida Medical Association.

CLOCK

See **STOPPING THE CLOCK**

CLOUT A word popularized first in Chicago, but now in general use in Florida's government. Clout means, as William Safire, compiler of *Safire's Political Dictionary*, defines the word, “political *power* when applied to a candidate or public political personage; it means *influence* when applied to a political leader not in the public eye, a large contributor, or member of the palace guard.”

CODING For the convenience of readers, general bills and joint resolutions have new material underlined, and deleted material stricken through. This is known as coding.

COLLATERAL MATTERS A secondary matter, such as an amendment, as contrasted with the “main question” or call. An amendment that has been adopted or rejected may be reconsidered if the affected bill is still before the House. This reconsideration must be voted upon immediately and cannot be left pending, thereby delaying the movement of the bill itself. The motion is no longer in order after the House has finished its consideration of the bill and passed to other business.

COMFORT LANGUAGE Former Representative Beverly Burnsed of Lakeland used this term in the 1988 session to characterize words being added to a bill to please a constituent, but without changing the meaning of the legislation.

[Beverly B. Burnsed, Lakeland, House 1976-1988]

COMMIT To refer, as a bill to a committee.

See **RECOMMIT**

COMMITTEE A committee is a group of persons chosen by the presiding officer to perform specific functions. Legislatures use a number of committees. Committees date from the 1600s, but Lucinda Simon reports the offshoots—joint, standing, steering, and of the whole—“seem to be American born.”

The most familiar are *standing*, which are those with a continuing responsibility in a general field of legislative activity.

There are also *select* committees, whose members are “selected” to do a particular job: for example, to study alcoholic beverage laws. Another name for a committee that automatically passes out of existence after performing its assigned task is *ad hoc*. Often a select committee will be an *interim* committee, meaning that it will do its work between regular sessions of the Legislature.

See **AD HOC COMMITTEE**

A *conference* committee may be appointed by the House Speaker and the Senate President to see what can be done when the houses have agreed in principle but disagree in detail on a specific piece of legislation. By bringing together interested members of the two houses, agreement often can be reached that might not be possible if the houses had to limit their negotiations to shuttling pieces of paper back and forth.

See **CONFERENCE COMMITTEE**

Joint committees are composed of House and Senate members, and sometimes of nonlegislators.

COMMITTEE AMENDMENTS These are the changes in a bill that a committee or subcommittee has agreed upon as a condition of the measure being reported favorably out of their committee or subcommittee.

COMMITTEE REPORT When the House entrusts a member’s bill to a committee, that committee may report the bill “favorably,” “favorably with a committee substitute” (meaning the committee has amended the idea), or “unfavorably.”

COMMITTEE SUBSTITUTE A bill that a committee itself prepares and recommends in lieu of a bill, or bills, originally referred to it for

study, and that embraces the same general subject matter as the original bill. CS/HB is a committee substitute for a House bill and CS/SB is a committee substitute for a Senate bill.

COMMUNICATION

See **MESSAGE**

COMPANION BILL When bills substantially worded the same and identical as to specific intent and purpose are introduced in the House and Senate, they are known as companion measures. The purpose is to expedite progress by having simultaneous movement (in committees and on the *Calendar*) in both houses on the proposal. When a house passes its bill, the sponsor in the other house must be careful to substitute this companion there. Otherwise, each house may pass its own bill, and neither becomes law. While both houses may have acted on identical text, each will have passed a separate bill.

COMPROMISE Compromise is an important fact of the legislative process. A sponsor will be inclined to take half a loaf and come back for the rest at the next session. Or, as Chief Justice B.K. Roberts of the Florida Supreme Court once opined, “Half of something is better than all of nothing.”

[Chief Justice B.K. Roberts, 49th Justice of the Court, served 1949-1976]

COMPUTING TIME

See **TIME, COMPUTING**

CONCURRENCE When one house agrees to an amendment adopted by the other house, the action is known as concurrence. After concurring in the amendment, a vote again is taken on the passage of the bill as amended.

CONCURRENCY Concurrency has come into legislative language as a requirement of the Growth Management Act. As defined by Robert M. Rhodes, Tallahassee: “Essentially, concurrency requires that public services, such as roads, sewers, and parks, be made available to alleviate the impacts of a project as those impacts occur and that new projects not reduce established levels of services.” The practical implications of this seemingly simple policy were not fully appreciated when it was enacted in 1985.

CONCURRENT RESOLUTION A concurrent resolution expresses the opinion of both legislative houses. A concurrent resolution may, for example, offer the Legislature's recognition of an honor that has come to an individual. It also may be used to mourn the passing of a distinguished citizen. Usually, a concurrent resolution applies to non-lawmaking matters, but an exception is the use of a concurrent resolution to express Florida's ratification or rejection of an amendment to the United States Constitution. Concurrent resolutions are also used to extend sessions and can be used to call the Legislature into joint session.

CONFERENCE Another term used to denote a "caucus." A particular group with similar political ideologies, or ethnic background, or gender in common.

CONFERENCE COMMITTEE A conference committee is actually two committees, one from each house, meeting together to work out compromise language acceptable to the Senate and House on some measure when agreement could not be reached through amendments.

A majority of the members of the committee from each house must agree before the conference committee report may be submitted to the Senate and House. Neither house is obligated to accept the report, but they usually do since the alternative could be the failure of the legislation for that session.

Vote on Entirety A conference report differs in importance from the vote in the House and Senate on the original bill because the vote on the conference report is binding. A conference report must be accepted or rejected. It cannot be amended. If rejected, a conference report usually will be recommitted to the conference committee for another try at adjusting the differences.

Chair of Conference There is no joint rule dictating the selection of the chair of a conference. However, it has been our practice that if a House bill is under consideration, the Conference Chair will be a House member. If it is a Senate bill, a Senate member will serve as Chair.

Role of Alternates Alternates are sometimes named to conference committees on the General Appropriations Bill, revenue measures, and other significant and often complex bills. The role of alternates

has never been defined formally.

Usually, alternates are appointed to support the conferees from their house by supplying expertise in specific areas of the bill under consideration.

The question appears never to have arisen as to whether an alternate could substitute for an absent conferee. Usually, in such an instance, the Senate President or House Speaker would appoint a replacement for the absent conferee.

See **COMMITTEE**

Amendments In agreeing upon the language of a compromise bill, a conference committee may propose amendments of its own. These amendments constitute a part of the report of a conference committee and are adopted *en bloc* with the acceptance of the report. A conference committee report is accepted or rejected as a package without the bodies having the right to modify any part.

CONFIRMATION The action of the Senate in agreeing to appointments by the Governor. Until 1975, when an affirmative report of the Senate's committee to consider an appointment was placed before the Senate, the question was, "Shall the Senate in open session advise and consent to and approve the appointment set forth in the foregoing report?"

Currently, the motion may be that the Senate "do confirm" or "refuse to confirm" or "fail to confirm." The difference between "refuse" and "fail" is that failure to confirm conveys no stigma of rejection. The Senate, for example, may "fail to confirm" a gubernatorial nominee who in the meantime has resigned the appointment.

The sentence "He (the President) shall nominate, and by and with the advice and consent of the Senate shall appoint" survives in the United States Constitution, but almost from the beginning the "advice" function was not exercised and only the "consent" was left to the Senate.

Similarly, the Governor may informally receive the advice of individual senators, but he is by no means bound by that advice and the phrase itself does not appear in the Florida Constitution.

See **EXECUTIVE SESSION; SUSPENSION**

CONFLICTING LAWS The Legislature occasionally enacts two or more bills that relate to the same provision of the Florida Statutes. What happens then has been related by the Division of Statutory Revision of the Office of Legislative Services:

On such occasions, the analysts must find the legislative intent from the best evidence available. When the provisions of two amendatory acts are not mutually inconsistent, the language is meshed and full effect is given to both acts. On the other hand, when the provisions of two amendatory statutes are in irreconcilable conflict, the editors apply the usual canons of statutory construction in determining which version to publish, inserting a note to call attention to the conflict and setting forth the alternative text. A great majority of the time, the “last passed” material is put in the text, and the alternative material is inserted in a note. Both are considered “good law” until the Legislature acts to resolve the conflict. When the last enacted of two conflicting statutes purports to amend a section of the Florida Statutes which an earlier act had repealed, the course to be followed depends on whether the substance of the amendatory act makes sense standing alone. If it does not, it is omitted; if it does, the amendatory act is published as a new section in place of the repealed section, although with a new section number assigned. On the other hand, if the last enacted of two conflicting acts repeals a section which an earlier act purported to amend, the section is deleted.

See **STATUTES**

CONFORMING BILLS A “conforming bill” is a bill that amends the Florida Statutes to conform to an appropriations bill. In essence, these bills are included in the conference committee negotiations and are considered necessary to “conform” substantive law to the fiscal changes implemented by the passage of the General Appropriations Act. These bills include decisions that are ongoing in nature made during development of the General Appropriations Act, such as the privatization, reduction, termination, or transfer of state programs. Some would not be apparent in the budget itself; i.e., funding for a program that is eliminated would not appear in the budget, although the decision to eliminate the program would be made during development of the budget. Likewise, creation of a new program would require enactment of a substantive bill while the funding for it could be included in the

GAA. Conforming bills make changes to law that are not time-limited, while the Implementing Bill makes temporary changes to law effective only for one year, and proviso merely limits or restricts specific appropriations that are effective for only one year.

CONSENT CALENDAR The Consent Calendar contains bills of a noncontroversial nature and is usually considered under expedited procedures which the House approves in advance of considering the bills. The consent calendar is voted on with one vote for all bills thereon.

CONSTITUENT Technically, a constituent is a voter in a district represented by an elected official. However, a constituent is regarded generally as a resident in the official's district. The thought is that today's resident may well be tomorrow's voter.

CONSTITUTION Florida's Constitution, revised in 2000, creates the framework of state government and allocates powers to the three branches. Generally speaking, the United States Constitution is a grant of powers, whereas the State Constitution is a limitation.

CONSTITUTIONAL AMENDMENT, EFFECTIVE DATE Amendments to the Florida Constitution, when ratified by the electorate, become effective on the first Monday in January following the election, unless some other date is specified in the amendment.

CONSTITUTIONAL AMENDMENT, STATE Proposals to amend Florida's Constitution may come from two sources. One is an initiative petition of the citizens; the other is a joint resolution passed by a three-fifths vote of the members elected to each legislative body. The proposal must then be ratified by a majority vote of the people in a general election. Unless otherwise provided by law, amendments go to the people at the next regular general election, so long as this election is held more than 90 days after an amendment has been proposed by the Legislature. The Legislature, by a law enacted by three-fourths of the members elected to each house, may provide for a special general election to be held at least 90 days after the Legislature has proposed the amendment.

See **CONSTITUTIONAL REVISION; INITIATIVE**

CONSTITUTIONAL AMENDMENT, UNITED STATES An amendment to the Constitution of the United States is ratified by the

Florida Legislature by adoption of a concurrent resolution by a majority vote of each house.

CONSTITUTIONAL REVISION, STATE The 1968 Florida Constitution required the establishment of a Constitutional Revision Commission within 30 days of the adjournment of the Regular Session of the Legislature in the 10th year after adoption of the present Constitution and every 20 years thereafter. The Constitution (Article XI, Section 2) provides for the Commission to consist of 37 members as follows: the Attorney General, 15 members selected by the Governor, nine members selected by the Speaker of the House, nine members selected by the President of the Senate, and three members selected by the Chief Justice of the Supreme Court with the advice of the Justices. The Governor designates one member of the Commission as its Chair. The Commission is required to file its report with the Secretary of State not later than 180 days prior to the next general election. The work product may consist of a revision of the Constitution or any part of it. Adoption by the electorate is necessary. The work product of the first such Commission, expressed in eight revised articles, was totally rejected by the voters at the General Election of November 1978.

CONTEST

See **SEATING CHALLENGE**

COSPONSOR The Legislator introducing a bill is known as the first-named sponsor, and his or her name appears first on the sponsor list and in the *Journal*. All others who “sign on” afterwards are known by rule as cosponsors.

COUNCIL One way a council (in the House) has been composed has been the appointment by the Speaker of House members to manage the development of policy within a specified jurisdiction. In this capacity, councils are usually the last to consider bills whose first reference was to a committee in their jurisdiction. In the same manner as committees, councils may introduce council substitutes.

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DEBATE Debate is a formal statement of the arguments for or against some proposed action. A legislator desiring to debate first must gain

recognition from the presiding officer, who possesses inherent discretion in extending this privilege. In other words, when two legislators arise at approximately the same moment, the presiding officer decides which shall speak first.

See **FILIBUSTER**

DEBATE, LIMITS ON House Rule 8.7(a) states that no representative may speak more than once and for no more than 15 minutes on any question. According to House Rule 11.9, it shall be in order for a member to move to limit debate on the floor and the first-named sponsor or mover of the question has five minutes to discuss the motion and may divide the allotted time with, or waive it in favor of, some other member. If the question is decided in the affirmative by majority vote, debate is limited to 10 minutes for each side unless a greater time is stated in the motion. The first-named sponsor or mover has an additional five minutes to close. This motion is amendable as to time and duration.

In the Senate, there is no rule to limit debate on the floor. No senator may speak longer than 10 minutes, without yielding the floor, except with the consent of a majority of those committee members present. Senate Rule 2.50 allows a member to move to limit debate in committee and that motion is decided without debate. The introducer has five minutes to discuss the motion and may divide such time with, or waive it in favor of, some other member. If the question is decided in the affirmative by a two-thirds vote of the committee members present, the debate is limited accordingly. The time allotted for such limitation is apportioned by the Chair.

In both houses, the member sponsoring a bill or a motion under debate has the right to the closing argument. If the pending motion has the effect, if adopted, of killing the main question—say, a motion to strike the enacting clause—then both the sponsor of the pending motion and the sponsor of the main question have the right to close in that order.

DECORUM The reasonable quiet or calm that a Speaker or President seeks to impose upon the body so that business may be conducted in an orderly manner. This includes the ability to be both seen and heard.

DEDICATED FUNDS These are the revenues from specified taxes that can be used only for specified purposes. Example: the gross receipts tax supports the capital outlay and debt services of public ed-

ucation, known as PECO, which stands for Public Education Capital Outlay.

DEEP-FREEZE To commit a bill to a hostile committee. Also, “to bury a bill.”

DEFEATED MEMBER A member defeated for reelection, upon request, is traditionally entitled two weeks from the date of the general election to close out legislative business. The member may be paid, upon request, a *pro rata* portion of intra-district expense allowance for expenses related to closure of the office and transition to a new member. Staff may be retained for two weeks to assist the member in the transitional duties.

DELEGATE Infrequently used, legislators occasionally will so designate themselves as being members of the county’s delegation. Journalists occasionally use “delegate” as a synonym for “representative.” This is likely a carryover from states where the House is known as the “House of Delegates.”

DELEGATION Legislators from the same locality, typically a county.

DESK Like the “Chair,” the “desk” possesses a special legislative meaning. The “desk” is the operation performed by the Clerk or Secretary, much of which is remote in place from the desk at the front of the Chamber, which gave its name to the Clerk or Secretary’s responsibilities. The Clerk and Secretary and the Chamber staff carry out their responsibilities from the desk. Members will sometimes rise during a session to inform the Speaker or President that they have an amendment “on the desk.”

DIRECTORY LANGUAGE Every section of a bill that proposes to amend or create any provision of the Florida Statutes is introduced by a statement that identifies the particular statute provision by number and directs the action that is to be taken (i.e., Paragraph (d) of subsection (2) of section 48.23, Florida Statutes, is amended to read:). Thus, these statements have come to be called “directory language” or “directories.”

DISCIPLINE As a counterbalance to the legislative power to impeach and convict high officers of the Executive and Judicial Branches, the

Constitution provides that the House of Representatives and the Senate may discipline their members. The Constitution, in Article III, Section 4(d), says, "Each house may punish a member for contempt or disorderly conduct and, by a two-thirds vote of its membership, may expel a member." Two points in that sentence are significant. First, it may be inferred that an erring legislator could be meted out a sentence short of expulsion. Second, the vote to expel requires the affirmative action of two-thirds of those elected to the Senate or House rather than the two-thirds of those present required for impeachment and conviction of Executive and Judicial officers. However, expulsion is the action of one house rather than both.

DISTRICT The area from which a senator or representative is elected. The boundaries of districts are redrawn every 10 years after the federal census figures are received.

DRAFT NUMBER The number that appears in the upper left-hand corner of any bill prepared by Senate Bill Drafting and remains there after filing. The draft number for House bills appears in the bottom left-hand corner but disappears at filing.

DROPPING THE HANDKERCHIEF When two houses finish on time and adjourn *sine die* simultaneously, the House and Senate Sergeants at Arms meet in the center of the rotunda between the two Chambers and drop handkerchiefs to symbolize the ending of the legislative session. This ceremony began as a logistical necessity for the two houses to know when the other was gaveling the end of session.

-E-

EFFECTIVE DATE OF CONSTITUTIONAL AMENDMENTS

Unless otherwise specified, an amendment to the Florida Constitution, after ratification of at least 60% of the electorate, becomes effective on the first Tuesday after the first Monday in January following the election.

EFFECTIVE DATES A law generally becomes effective, or binding, either upon a date specified in the law itself or, in the absence of such date, 60 days after the final adjournment of the session of the Legislature at which it was enacted. Many acts have an effective clause "upon be-

coming a law.” That means either at the moment of approving signature by the Governor or the filing of the act in the Office of the Secretary of State without the Governor’s signature.

Both the Constitutions of 1885 and 1968 provided for laws to become effective on the 60th day after *sine die* adjournment of the session at which enacted “or as otherwise provided therein.” Thus, no effective date need be stated in the law.

ELECTRONIC VOTING The device, used in the Florida House of Representatives since 1939 and in the Senate since 1976, by which legislators record their presence and votes by using buttons on their desks. Red and green lights beside their names on the board show how the legislators voted: red for no, green for yes. The roll call machine automatically totals and reflects the results of the votes. The machine is popularly known as the “board” or “vote board.” The Speaker may say when a voice vote produced a questionable result, “Let’s put it on the board.” All votes on the final passage of bills must be by recorded roll calls.

See **BOARD, THE**

ENABLING ACT At times, the Legislature enacts a law that becomes operative only upon the adoption, by the people, of an amendment to the Constitution. Passage of such an enabling act, in anticipation of the ratification of the proposed amendment, reduces the time necessary for the action contemplated by the amendment to be taken. The Legislature may, for example, provide for construction of buildings at universities—subject to approval by the people—with an amendment authorizing the sale of bonds to pay for such construction.

ENACTING CLAUSE The Constitution requires that each law be prefaced by the phrase “*Be It Enacted by the Legislature of the State of Florida.*” An amendment to strike the enacting clause kills a proposed law.

ENGROSSED BILL When a bill has been amended, it is rewritten to include the change in language. The rewritten draft is known as the engrossed bill. This rewriting is done in the house of origin: a Senate amendment to a House bill will be attached, and, if accepted by the House, the bill will then be engrossed under the supervision of the

Clerk of the House. Similarly, a House amendment to a Senate bill will, if accepted by the Senate, be engrossed by the Senate Secretary. A bill may be engrossed more than once: “second engrossed” and “third engrossed” bills are common. Persons often ask for the “engrossed” copy of an act when what they really want is an “enrolled” copy. Hence, an engrossed bill may not be the final version.

See **ENROLLED BILL**

ENROLLED BILL After both houses have agreed upon a bill, and it thus becomes an act, the bill is reformatted and copied on a special type of paper, signed by the Constitutional officers of the House and Senate, and sent to the Governor for the Governor’s action and subsequent transmittal to the Secretary of State (unless vetoed during a legislative session).

See **ENGROSSED BILL**

EXECUTIVE SESSION The Senate is permitted by the Constitution to meet in Executive Session. This means all persons other than senators and the Secretary are excluded from the Chamber. Generally, such sessions are for the purpose of considering whether the Senate consents to action by the Governor in appointing persons to, or suspending officers from, certain public offices. The House does not enjoy this constitutional privilege, because only the Senate “advises and consents” to executive actions.

See **CONFIRMATION; SUSPENSION**

EX OFFICIO Literally, “from office” or by virtue of office or position. An officer who serves in one position by virtue of holding another serves in an *ex officio* capacity. In the House, the Rules also provide that the Speaker may designate an *ex officio*, who may vote on measures in committee generally for a specified period, but is not counted for purposes of determining a quorum.

EXPULSION

See **DISCIPLINE**

EXTENDED SESSION A session wherein the regular or special session goes beyond its regularly scheduled and allocated time. An extension requires a three-fifths vote of the members present in each house and is done by a concurrent resolution. The purpose of extending a session is to complete action on legislation that was previously intro-

duced. Additional business may only be considered with the consent of two-thirds of the membership of the respective houses.
See **SESSIONS, LENGTH OF**

EXTRAORDINARY VOTE The State Constitution or Rules of a Chamber sometimes require more than a majority vote for certain purposes. In the absence of an express rule or constitutional requirement, a proposition is carried by a majority of the votes cast.

-F-

FILIBUSTER An exceptionally long speech or series of speeches or other obstructive tactics to accomplish the purpose of preventing or delaying passage of legislation supported by a majority. Today's Senate and House Rules tend to stifle filibusters, but mini-filibusters sometimes occur when the Senate or House is impatient to adjourn.

Lucinda Simon observes that the Dutch, the French, and the Spanish could lay claim to precursors of the filibuster. The term apparently was first used to describe private military adventures or pirates who sailed in the 16th century. The various forms—*vrijbuitter*, *flibustier*, and *filibustero*—roughly translated into freebooter, and by the mid-19th century filibuster had gained its American political sense of delaying or obstructing the inevitable passage of a bill by continuous talking or other tactics.

Longest Filibuster The longest filibuster of record in the Florida Legislature was conducted by Representative John E. Mathews, Sr. in 1931 when he held the floor for approximately 19 hours during the three legislative days of May 27-29. His longest day was the 28th when he was on his feet for some seven and three-quarter hours. He prevailed. The Rules now reflect a limitation of time that a member may speak on any measure before the House.
See **DEBATE; PREVIOUS QUESTION**

[John Elie Mathews, Sr., Jacksonville, House 1929-1931, Senate 1943-1949, Supreme Court Justice 1951-1955, Chief Justice January-April 1955]

FIRST-NAMED SPONSOR The legislator initiating the bill drafting request and who files the bill. Over time the words "prime sponsor" have been used to describe the author of the bill, but the Rules of the

House describe him or her as the first-named sponsor. The Senate uses the terminology “introducer.”

See **PRIME SPONSOR; INTRODUCER**

FIRST READING This constitutional requirement is met when a bill is officially introduced into one of the houses of the Legislature and its title is published in the *Journal*. Since the amendment to Section 7 of Article III of the State Constitution in 1980, it is no longer required that the reading clerk actually read the title. The publication of the title constitutes the “first reading” in the *Journal* and also shows the committee to which the presiding officer has referred the bill if the bill has been referred.

See **INTRODUCTION**

FISCALLY NEUTRAL A fair number of bills do not require funding. These are fiscally neutral.

FISCAL NOTE A fiscal note is the section of a staff analysis that seeks to state in dollars the estimated amount of increase or decrease in revenue or expenditures and the present and future fiscal implications of a piece of pending legislation.

FIVE HANDS The Florida Constitution provides that on any measure where a voice vote has been taken on the floor, five members may raise their hands to express opposition to the decision of the presiding officer. The presiding officer will then call for a recorded vote (allowing each member to register his or her vote electronically on the board displayed at the front of the Chamber, also known as a machine roll call vote). The recorded vote will be published in the *Journal* and serve as the official vote.

FIX-IT BILL The term applied to a bill correcting errors of a prior bill. Fix-it has been supplanted generally by “glitch.”

See **GLITCH BILL**

FLOOR, THE This is synonymous with the Chamber, as when a member says, “I’m going to the floor.” A member is declared to have the floor when the presiding officer recognizes him or her for a stated purpose.

FLOWERS IN THE CHAMBER The legislative Chambers resemble a flower shop on the Opening Day of the Regular Session. Each member will have at least one, and sometimes more, floral arrangements.

Originally, when the Legislature convened for organization in April, the flowers came from the gardens of Tallahassee wives as part of the community's welcome. As time went on, and particularly after the organization session came in mid-November, the commercial florists took over the adorning of the Chamber. Today, security issues and the "gift law" bring severe restrictions to flowers and gifts for members.

FOOD GROUPS Terminology denoting the arrangement of committees and subcommittees for calendaring purposes in order to avoid scheduling conflicts among member committee assignments.

FOURTH HOUSE Refers to the media.

-G-

GALLERY The seating area on the floor above the Senate or House Chambers where the public may observe a house in session. The gallery to the Speaker's left is the East gallery and to the Speaker's right is the West gallery.

GENERAL APPROPRIATIONS BILL An "appropriations bill" is a general appropriations bill and any other bill the title text of which begins "An act making appropriations," "An act making special appropriations," or "An act making supplemental appropriations."

GENERAL BILL

See **LAWS, GENERAL**

GENERAL LAWS OF LOCAL APPLICATION

See **LAWS, GENERAL OF LOCAL APPLICATION**

GERMANE Amendments must be germane to the subject of the bill being considered. Germane or germanity means to be closely related or relevant. Deciding germanity is one of the toughest questions a presiding officer will have to answer, particularly in tax matters. Germanity is explained fully in the House Rules.

GERRYMANDERING Used in a critical sense, this is the process of drawing district boundaries during an apportionment for the purpose of partisan or factional advantage. The word derives its name from Governor Elbridge Gerry of Massachusetts, whose party in 1812 re-districted a county with boundaries bearing a fancied resemblance to a salamander.

GLITCH BILL In the 1983 session, Representative Tom Gustafson popularized “glitch bill” as the definition of a bill required to cure the errors discovered in a prior bill. It is a term suggesting the bill as enacted has some technical error or omission that necessitates the “glitch bill” and such changes do not alter the original intent of the bill.

See **FIX-IT BILL**

[Tom Gustafson, Fort Lauderdale, House 1976-1990]

GOING HOME BILL A bill particularly important to a legislator’s constituency at home or important to his political future.

See **TURKEYS**

GOVERNOR’S PROCLAMATION

See **CALL, THE**

GRANDFATHER CLAUSE Laws providing an exemption of persons presently impacted or otherwise affected. The clause can be temporary in nature.

GREAT DAY “Mr. Speaker, it’s been a great day in the State of Florida.” Former Representative Joe Arnall, as Chair of the Rules & Calendar Committee, used this phrase prior to the motion to adjourn each session day. It was continued by Representative Johnnie Byrd, Chair of the Procedural & Redistricting Council, and has continued from time to time.

[Joseph “Joe” Arnall, Jacksonville Beach, House 1988-2000]

[Johnnie B. Byrd, Jr., Plant City, House 1996-2004, Speaker 2002-2004]

-H-

HANDKERCHIEF, DROPPING THE When the two houses adjourn together *sine die*, the House and Senate Sergeants at Arms meet at the center of the rotunda between the two Chambers and drop handkerchiefs to symbolize the ending of the session.

The custom is a carryover from the years prior to 1939 when the two houses were at right angles to one another and the dropping of the handkerchiefs made possible a simultaneous falling of the gavels by the presiding officers. The Speaker and the President could see the Sergeants but not each other.

HEAVY-HITTERS Usually lobbyists, persons with legislative clout in the process.

HOLD-HARMLESS CLAUSE A guarantee that, in establishing a new formula for the distribution of funds, no area or entity will receive less than it did in the past.

HOSTAGE The holding of any measure dearly desired by someone in either house until action on another bill has been taken. Or, it may mean a bill will be kept off the *Calendar* until the desired action has been taken in the other house. “Hostages” are one reason why the Legislature delays acting upon many measures until the last hours of a session. Sometimes the Governor may be the target, with the Legislature holding up a bill or bills he wants until he has allowed some measure to become law either by his signature or delivery to the Department of State without his signature. Or, the Governor may hint at the veto of some legislator’s pet bill until passage of a bill he wants is assured.

HOUSEKEEPING BILL Originally, it meant a bill of no significance beyond codifying or updating laws applying to an agency, primarily to eliminate obsolete sections. However, now some “housekeeping bills” turn out after passage to go beyond a simple brushing up.

-I-

IMMEDIATELY CERTIFIED In the House, during the last 14 days of a regular session, or any extension of the regular and during any spe-

cial session, all measures acted on by the House are transmitted to the Senate without delay. Exceptions are local bills, concurrent resolutions, and memorials. These are transmitted without delay at any point during a session. A member may move to waive the rules by a two-thirds vote to immediately certify a measure to the Senate. In the Senate, no bills are immediately certified before the last five days of a regular session unless the Rules are waived. During extensions or special session, the bills are immediately transmitted to the House.

IMPEACHMENT The process by which state officers not subject to removal by the Governor can be accused of the constitutional offense of “misdemeanor in office.” This is unrelated to the crimes usually classified as misdemeanors. The House may, by a two-thirds vote of the members voting, impeach the Governor, Lieutenant Governor, members of the Cabinet, justices of the Supreme Court, judges of District Courts of Appeal, judges of circuit courts, and judges of county courts. After impeachment, trial is had in the Senate, where a two-thirds vote of the senators *present* is necessary for conviction. Legislators may be disciplined by their colleagues.

See **DISCIPLINE**

IMPLEMENTING BILL The bill is intended to amend Florida Statutes to resolve any potential conflict between an appropriations decision in the General Appropriations Act (GAA) and a specific provision of Florida Statutes. Each section is for the coming fiscal year only. It ties to one or more specific appropriation of the GAA. It amends a specific law, instead of “notwithstanding any law to the contrary,” and is repealed July 1 of the following year when the GAA expires.

INFRASTRUCTURE Originally, this word was regarded by Florida legislators as meaning such fixed capital public works as sewers, highways, and structures of a lasting nature. Over time, the definition has become more flexible to encompass a number of services and programs that enhance our quality of life, such as clean water, education, and land acquisition.

Will Safire wrote this in his *New York Times* column on the usage of words: “Infrastructure is one of those terms dear to the hearts of bureaucrats who don’t know if they want to say *foundation*, *skeleton*, *framework*, *setup*, or even the mouth-filling but understandable *administrative organization*.”

Winston Churchill derided an opponent's use of the phrase "infrastructure of a supranational authority" by suggesting that "these words 'infra' and 'supra' have been introduced into our current political parlance by a band of intellectual highbrows. . . ."

INITIATIVE The people may propose the revision or amendment of any part of the Constitution. This may be accomplished by filing with the Secretary of State a petition containing a copy of the revision or amendment proposed, signed by a number of electors "in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen." (Article XI, Section 3) Florida's Constitution does not provide for passage of general laws by initiative.

INSTANTER Latin for "immediately". A motion to take up a measure immediately.

INTERIM The period between regular sessions is known as the interim. During the interim, committee meetings are held as scheduled by the Speaker and President.

INTERIM CALENDAR The Clerk of the House and the Secretary of the Senate publish, during the months of interim committee meetings, a calendar listing interim meeting dates, prefiled bills with their committee references, agendas of committee meetings, and members' committee assignments.

INTRODUCER This terminology is used in the Senate to describe the first-named sponsor of a bill.

See **SPONSOR**

INTRODUCTION The process of bringing a proposed bill before the Legislature is known as introduction. Members approve their bill drafts prepared by the bill drafting services and a bill number is assigned to each bill. The bill title is printed in the *Journal* of the House and Senate, which constitutes first reading and introduction.

See **FIRST READING**

-J-

JOINT RESOLUTION Amendments to the State Constitution are proposed by joint resolutions. These are passed by a vote of three-fifths of the membership of each house of the Legislature. Joint resolutions do not require action by the Governor, and instead go on the ballot for approval or rejection. Since 1968, however, not all joint resolutions are concerned with amending the Constitution. The revised Constitution provided other purposes. One, for example, allows the Legislature to set the effective date of an act vetoed by the Governor, and another, for apportionment.

JOINT SESSIONS, JOINT MEETINGS The Constitution, Article IV, Section 1(e), provides, “The governor shall by message at least once in each regular session inform the legislature concerning the condition of the state, propose such reorganization of the executive department as will promote efficiency and economy, and recommend measures in the public interest.” This annual message is given to the Legislature by the Governor in person at a joint session held in the House Chamber on the opening day of each session. If there are supplementary messages from the Governor during a session, he/she may deliver these in person or send them to the presiding officers for inclusion in the *Journal*.

The Legislature has joint meetings from time to time to hear other addresses. Florida’s United States senators sometimes address the Legislature during a regular session. Persons of prominence visiting in Florida are occasionally heard. These have included Presidents Jimmy Carter and Bill Clinton, U.S. House Speaker Newt Gingrich, U.S. Senator Bob Dole, Helen Keller, General Colin Powell, U.S. Supreme Court Justice Sandra Day O’Connor, several U.S. astronauts, and others. When the Legislature assembles for this purpose, it is convened properly in joint meeting.

JOURNAL The official record of the proceedings of a legislative house. Each legislative house issues its own daily *Journal* for each session day. At the end of each session day, the *Journal* is published on the House (or Senate) website and then made available in hard copy form. Subsequent to the initial release, the House publishes a corrected *Journal*. The *Journal* records only the formal actions of what takes place in session and in committee and subcommittee meetings.

Because the *Journal* is not a verbatim record, the size in number of pages may on occasion bear an inverse ratio to the intensity of the floor debate. A day given over to argument on an important bill may require a few short entries. A day in which scores of local bills are passed necessitates page after page in the *Journal* though not a word of debate, in the sense of argument, has been spoken.

The *Journal* is the official record documenting the actions of the legislative body. Each legislative day, the presiding officer routinely asks whether there are corrections to the *Journal* of the preceding legislative day. As accepted, the *Journal* becomes the official record.

The *Journal* of each day's proceedings is available to legislators and to the public the next legislative day. The *Journals* are also available through the House website, www.myfloridahouse.gov, and Senate website, www.flsenate.gov. These daily *Journals*, after careful perusal for error, are drawn together and reprinted after *sine die*, or final adjournment of the Legislature. This printing of a bound *Journal* becomes the official permanent record of actions taken in both Chambers. This permanent record is often referred to as the final bound *Journal*.

-K-

K-20 A phrase used to describe education from kindergarten through college.

See **PREK-12**

KILLER MOTIONS There are a number of parliamentary motions employed to kill a bill other than a straight up-and-down vote on its passage. The most common way to kill a bill is a motion to lay the bill on the table. Another way is an amendment to strike the enacting clause, since no bill may survive without the clause "*Be It Enacted by the Legislature of the State of Florida.*" A motion to recommit a bill to committee may be offered to kill a bill, although at times this is for the purpose of rewriting language after the bill has been heavily amended. In those instances, the bill may be returned to the floor for further consideration.

-L-

LAIID ON THE TABLE

See **LAY ON THE TABLE**; **TABLE**

LAW A law is the final product of the legislative process.

LAW BOOKS The Florida Statutes, the codified laws, and the Session Laws—the acts of a specific legislative session—are available on the Internet. Copies may be purchased from Law Book Services, Pepper Building, Tallahassee 32399-1400. Prices depend upon the size of the publication.

See **ACT**; **STATUTES**

LAWS, GENERAL Theoretically, a “general law” is a law intended to have statewide application. Many laws pass relating to less than the whole state and are still legally “general laws.” The Supreme Court of Florida, in an early case, declared that “every law is general which includes in its provisions all persons or things of the same genus.” A law does not have to be universal in application to be a general law. Laws relating to the location of the state capitol, a state university, the state prison, or a state hospital are local in character, but they directly or indirectly affect every citizen of the state and are therefore regarded as general laws.

LAWS, GENERAL OF LOCAL APPLICATION A “general law” which, by its nature, has application only to a portion of the state. Thus, a statute relating to regions of the state or to subjects or to persons or things as a class, based upon proper distinctions and differences that are peculiar or appropriate to the class, is a “general law of local application.” Since such a law is not a “local bill,” it does not have to be advertised or made subject to a referendum. Examples of possible bases for classification would be: all coastal counties, all counties which permit sales of alcoholic beverages by the drink, or all counties having an elected school superintendent. Other examples would include acts which relate to a particular circuit court, a state university, or to the state capitol building. A general law of local application may not depend on an arbitrary basis. Section 11(b) of Article III of the Florida Constitution provides in part that “in the enactment of general laws ... political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.”

LAWS, RELIEF OR CLAIM In the larger sense, a relief act is an act by which the Legislature seeks to address the complaint of an aggrieved party. In practice, a relief act or “claim bill” is legislation that compensates a particular person or persons for injuries or losses that were occasioned by the negligence or error of a public officer or agency. It is a means by which an injured party may recover damages even though the public officer or agency involved may have immunity from liability or be subject to statutory caps on the payment of a claim or judgment. A relief act may also be a local bill, the distinction ordinarily turning on the question of which government entity is going to pay the aggrieved party.

LAWS, SPECIAL As a general statement, a special act is any legislative act that meets both of the following criteria: (1) it applies to an area or group that is less than the total area or population of the state; and (2) its subject matter is such that those to whom it is applicable are entitled to the publication or referendum required by Article III, Section 10 of the Florida Constitution. It is often difficult to determine whether a particular legislative proposal comes within the scope of these two criteria. Article III, Section 11 of the Florida Constitution limits the subjects that can be encompassed by a special law.

See **ADVERTISING; REFERENDUM**

LAY ON THE TABLE A bill, motion, or amendment laid upon the table is usually dead. Laying a bill on the table enables the body to move on to the next order of business without completing action on the bill under discussion while leaving it in a position which could allow its reintroduction.

See **TABLE**

LEAGIS A business process management and automation system for creating, processing, and tracking legislation for the Florida House of Representatives. Processes such as drafting and filing of bills and amendments, bill cosponsorship, committee meeting notices, *Calendar*, *Journal*, bill tracking and reports, as well as real-time live chamber actions, are all included in the Leagis system. Leagis also feeds the external website, www.myfloridahouse.gov, with real-time information.

LEGISLATIVE DAY In the Florida Legislature, a legislative day extends from the time of convening until adjournment. The Constitution provides for a regular session of 60 consecutive calendar days, Sundays

included. By rule, however, a legislative day is defined as a day when the Legislature convenes and a quorum is present.

LINE ITEM An item that appears in a general appropriations bill on a separate line, apart from the overall funding of an agency. For example, in the appropriation for parks generally, there may be funds for a specific park. Line-items may be reached by a gubernatorial veto. Also known as “spot” funding.

LINE-ITEM VETO The Governor has the power to selectively veto items in appropriations bills. Usually, this means the General Appropriations Act or the Public Education Capital Outlay Bill (PECO).

The 1968 Constitution provided the Governor could, consistent with Article III, Section 8(a), either veto an entire bill or, in the case of the General Appropriations Bill, veto any specific appropriation.

If the Governor seeks to veto any qualification or restriction in a general appropriation bill, he/she must also veto the appropriation to which it relates. An attempted exercise of the veto power in any other manner is absolutely forbidden, regardless of the motivation. As the Supreme Court said in *Brown v. Firestone* (Fla. 382 So.2nd 654) “the governor cannot act unconstitutionally to remedy a perceived unconstitutional act of the legislature.”

The requirement that the Governor’s veto of a qualification must also embrace the appropriation resulted in the 1968 redraft of the Constitution from ambiguous language of the 1885 Constitution by which chief executives deleted words from a sentence to defeat legislative intent.

For example, where the 1959 Legislature had written an appropriation for the Division of Corrections with the language, “Salaries—including salary of \$12,000 per annum for the Director and salaries of 23 employees,” the Governor had stricken “of \$12,000 per annum,” because he felt the Director should receive more, and with the proviso stricken, the Budget Commission could fix a larger salary. However, the proviso must, the court said in *Brown v. Firestone*, bear a rationally and directly related qualification or restriction to the appropriation. For example, the 1979 Legislature provided that from funds appropriated for the University of South Florida Medical Center, a certain amount should be set aside for a “teaching hospital program.” The Governor

said the intent of this proviso was to establish a new state-supported teaching hospital. The court held that if this money actually was intended for a new hospital, it was clearly invalid, “for the creation of such a capital outlay project is not rationally related to the expenses of an already existing medical center.” The Governor’s veto was upheld by the Supreme Court.

[J. Hyatt Brown, Daytona Beach, House 1972-1980, Speaker 1978-1980

George Firestone, Miami, House 1966-1972, Senate 1972-1978, Secretary of State 1979-1987]

LOBBYIST A dictionary definition: “one who lobbies: specifically, a person employed and compensated for lobbying.” Joint Rules of the House and Senate state, in part, that lobbying means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

The term derives from the fact that lobbyists usually frequent the lobby adjacent to the Chambers of the Senate and the House, either seeking to buttonhole legislators as they walk to and from the Chambers or awaiting legislative action that might affect their interest.

“Lobbyist” is defined in the Rules as a person who is employed and receives payment or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity, to lobby on their behalf. In 2011, there were 2,143 persons (Executive: 1,634) registered to lobby the Florida Legislature.

LOCAL BILL

See **LAWS, SPECIAL; ADVERTISING**

LOGJAM Like logs on a river awaiting the mill, bills often pile up on the calendars of the House and Senate, and despite time tables and good intentions, every legislature and the U.S. Congress ends its sessions with a crush of “must pass” legislation. Former Representative Ralph H. Haben, Jr., as Chair of the House Committee on Rules & Calendar in 1979-1980, explained to a journalist: “When you're dealing with human beings, number one, they want to procrastinate, and number two, they want to posture.”

LOVED TO DEATH Now and then a bill will reach the floor with a title broad enough for amendments to be added by members alert to the possibility of getting their own pet passed. Or, the bill may seem so popular that amendments will be offered to increase its appeal but reduce its likelihood of getting through the other house and/or approved by the Governor. The sponsor likely will claim the bill is being “loved to death.”

-M-

MAIN MOTION or **MAIN QUESTION** Consideration of a bill would be a main motion. Consideration of an amendment to that bill would be a subsidiary or secondary motion. Consideration of a bill may be postponed, but consideration of an amendment to that bill generally cannot be deferred to another day if the body is to continue its deliberations on the bill. The reason is that the body, in the meantime, may dispose of the main question.

MAJORITY The Constitution declares a quorum of the Senate or House of Representatives to be “a majority of the membership of each house.” “Of the membership” means the total number of the Senate (40) or House of Representatives (120) as distinguished from the number of members present or active. Should a Senator resign, the membership of the Senate would remain at 40. A quorum, thus, is half of the membership plus one: 21 in the Senate and 61 in the House.

MEMORIAL Whenever the Legislature expresses its views to the Federal Government, it does so through a memorial.

MESSAGE Generally speaking, the Legislature receives two kinds of messages. When the Governor communicates with the Legislature, in person or by writing, what he/she says is called a “communication.” Generally, the communication of the Governor is “spread upon the *Journal*” by being printed in the official record of the proceedings.

The House and the Senate communicate with each other by messages. Each bill is transmitted from one house to the other by a document that tells what action has been taken. In some instances, one house may ask the other to take further action.

In years past in Florida, messages were received with considerable formality, with the proceedings being stopped so the Sergeant could shout out: “Mr. Speaker (or Mr. President), message from the Senate (or House)!” Then the presiding officer would instruct, “Let the message be received.” The volume of business and the absence of usefulness caused this formality to be dropped many years ago.

MOTION Action on the floor of a legislative chamber results almost invariably from some member “moving” to take a particular action. The Rules determine the importance (or precedence) of a motion and whether its consideration may be debated.

MUST PASS LIST The market basket of legislation that the Governor, President, Speaker, legislator, agency, or lobbyist regards as absolutely necessary. Since not all lists will agree, a session will produce a number of “must pass lists,” occasionally in conflict.

-N-

NESTING The name “nesting” was given in the 1982 legislative reapportionment where each Senate district would have three complete House districts within its boundaries. The House wanted nesting; the Senate did not, and ultimately won.

NONCONTROVERSIAL BILLS Generally, a bill on which the explanation can be concluded within two minutes is considered noncontroversial.

See **CONSENT CALENDAR**

NOSE COUNT The informal polling, usually by the party whips, to determine the sense of a legislative house or caucus on specific measures.

-O-

OMBUDSMAN Someone appointed by the government to receive and investigate complaints about public agencies.

OMNIBUS BILL A bill relating to a single subject, but combining many aspects. This may join together different facets in such a way as

to compel the Governor either to accept provisions he doesn't want or veto the whole act. Today's term "bus" for multi-person motor vehicle is derived from omnibus. The legislative omnibus often combines the good and the bad for individual legislators as well as the Governor. Former Representative Betty Easley defined an omnibus bill as meaning, "We're being taken for a ride." Such bills are also referred to as "trains."

[Betty Easley, Clearwater, House 1972-1986]

ORDER OF BUSINESS The order in which business is taken up in the Legislature each day of the regular session. The daily order of business in the House is 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 Standing Committees and Subcommittees
9. Reports of Select Committees
10. Motions Relating to Committee and Subcommittee References
11. Matters on Reconsideration
12. Bills and Joint Resolutions on Third Reading
13. Special Orders
14. House Resolutions
15. Unfinished Business
16. Introduction and Reference

The Senate order of business is slightly different:

1. Roll Call
2. Prayer
3. Pledge of Allegiance
4. Reports of Committees
5. Motions Relating to Committee Reference
6. Messages from the Governor and Other Executive Communications
7. Messages from the House of Representatives
8. Matters on Reconsideration
9. Consideration of Bills on Third Reading
10. Special Order Calendar

11. Consideration of Bills on Second Reading

12. Correction and approval of *Journal*

See **REGULAR ORDER**

ORGANIZATION SESSION By constitutional mandate, the Legislature meets on the 14th day after the general election solely for the purpose of organizing. Organizing means the taking of the oath by members, election of officers, and adoption of Rules.

OVERSIGHT An important responsibility of the Legislature to evaluate the performance of agencies of the Executive Branch.

-P-

PAGES/MESSENGERS Boys and girls are selected by the members of the House and Senate to serve for one week during session in Tallahassee. In the House, pages are between 12 and 14 years old and serve only in the Chamber delivering messages to the members and bringing them beverages from the Members' Lounge. Messengers are between 15 and 17 years old and carry messages and deliver legislative materials to members and staff throughout the Capitol complex.

House pages and messengers are paid a stipend unless they prefer service hours. Each page or messenger is sponsored by a House member and is approved for employment by a parent or guardian and school principal. Service is regarded as an educational experience.

In the Senate, only pages are employed. They are between 16 and 18 years old and they fulfill both roles. Senate pages can receive a stipend, earn credit hours, or receive half of each.

The first female to serve as page was Lillian Robertson of Tallahassee, who served members of the House in the 1923 Session.

PARLIAMENTARY INQUIRY A legislator seeking an explanation from a presiding officer of the procedural situation then existing in the House will do so by a parliamentary inquiry. An amendment, an amendment to the amendment, a substitute amendment, and an amendment to the substitute all may be pending and a legislator may need guidance. The parliamentary inquiry is sometimes used as a device for getting the last word.

PASSED Bills and joint resolutions are passed. Memorials, other resolutions, amendments, and motions are adopted.

See **ADOPTED**

PCB/PROPOSED COMMITTEE BILL PCBs have existed since 1822, but formal recognition came in 1980 when Speaker Ralph H. Haben, Jr. caused adoption of a rule requiring PCBs to be given the same notice as bills already introduced and numbered. The rule also requires that copies of PCBs be available to each committee/subcommittee member no later than the time of notice.

[Ralph H. Haben, Jr., Palmetto, House 1972-1982, Speaker 1980-1982]

PERSONAL PRIVILEGE

See **PRIVILEGE**

POINT OF ORDER The cry of “Point of order!” is heard occasionally during legislative proceedings. It means that a member wishes to challenge either what is happening or what he/she thinks may be about to happen. Generally, the member argues the action is a departure from the proper conduct of business. If, for example, the House has agreed to adjourn at 4 p.m. and debate continues beyond that hour, a member likely will interrupt with, “Point of order, Mr. Speaker!” This cry will bring the session to an immediate halt. The Speaker will, upon hearing the point, rule immediately or refer it to the Rules Chair for an opinion. Matters often become quite interesting when a number of members rise to argue a parliamentary situation and the Senate President or House Speaker has “Point of order!” fired at him from around the Chamber.

POPULAR NAMES Some legislative acts come to be known by the name of the sponsor. Occasionally, the sponsor’s name will be written into the law.

Among the best-known popular-named laws is the Baker Act, which became law July 1, 1972. The act is named for Representative Maxine Baker and provided that no one can be arbitrarily and involuntarily committed to a mental health institution for an unspecified time. The law was a milestone for Florida’s mental health patients.

[Maxine E. Baker, Dade, House 1963-1972]

PREAMBLE The preamble, usually to a resolution but sometimes to a bill, is a recital of the reasons for the action being taken. In a resolution, it is the text between the first “Whereas” and the “Therefore, Be It Resolved.” Preambles to bills (laws) are shown in the *Laws of Florida* (the laws of a particular session), but are dropped in the Florida Statutes. Only the text following the enacting clause goes into the Statutes.

PRECEDENTS Rulings of presiding officers on questions of order are referred to as precedents. Such rulings are not binding on later presiding officers.

PREFILING With the amendment to the Constitution in 1968 providing for an organization session of the Legislature two weeks after the general election, it became possible for the houses to formally allow the introduction of bills and other proposed legislation from members prior to the convening of the regular session. As a part of the bill drafting process, these bills receive the number by which they will be known during their legislative life. The Speaker and President may refer them to committees or subcommittees for pre-session consideration.

PREK-12 A phrase used to describe education from prekindergarten through high school.

See **K-20**

PRESIDENT The presiding officer of the Senate, having been designated by the majority party in caucus and then elected by the full Senate.

PRESIDENT PRO TEMPORE The Senate counterpart of the House Speaker pro tempore.

PRESS, THE Ever since the first session convened under Statehood in June 1845, the Legislature has recognized the presence of the press. House Rule 42 of that session stated:

Reporters wishing to take down the debates and proceedings may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, as shall not interfere with the convenience of the House.

Today, both houses have specific areas dedicated to the press. These dedicated spaces are located on the 5th floor adjacent to the public galleries.

PREVIOUS QUESTION A motion in the House for the previous question has the result, if adopted, of ending debate and bringing a matter to a vote. If moved and agreed to on a bill, it prevents the consideration of further amendments and requires the House to vote upon the amendment before the House. Closing statements are limited to three minutes each by a proponent and an opponent. The Senate does not allow this motion.

See **FILIBUSTER**

PRIME SPONSOR The legislator submitting a bill for introduction is known as the “prime sponsor” (by rule, the “first-named” sponsor). The House Committee on Rules & Calendar in 1976 made the definition official. The committee decided only the prime sponsor may move to withdraw a bill after its introduction. The prime sponsor’s name appears first, not only on the original bill, but in the printing of the bill, reference to the bill in LEAGIS, and all other references.

See **SPONSOR; FIRST-NAMED SPONSOR**

PRINTED BILL A photocopied or electronically printed version of a bill that is pending in the Legislature. These are the copies distributed upon request to members, staff, and others. Versions of the bill can also be found in electronic format on the House website.

PRIVILEGE This word has four separate legislative meanings. (1) A motion possesses privilege in the sense of priority. A motion to adjourn at a time certain, for example, enjoys the highest priority, and must be considered ahead of all other motions. (2) Floor privileges in the House are extended to the Governor, Lieutenant Governor, Cabinet officers, justices of the Supreme Court, and former members of the House, enabling them to be in the Chamber of the House during session when the public is excluded. (3) There are also questions of privilege. A legislator may raise the question of privilege on his or her own behalf—“personal privilege”—or on behalf of the legislative body collectively. Recognition to speak “on the welfare of the House” is an exercise of the collective privilege. (4) A legislator who feels aggrieved, perhaps by a suggestion of unworthy motive, may claim the floor on “personal privilege” to speak his or her mind.

PROOF OF PUBLICATION

See **ADVERTISING**

PROVISO A proviso generally refers to language qualifying or restricting an item in the General Appropriations Bill. Primarily it is a determination by the Legislature that a specific appropriation is worthwhile only if contingent upon a certain event or fact.

-Q-

QUID PRO QUO, THE LAW OF Literally, “what for what” or “I do something for you, in return, you do something for me.” An equal exchange or substitution. The principle states that everyone may be for the “quid” until they hear about the “quo.” Simplistic polls demonstrate an axiom of popular democracy that legislators and other officials learn. Persons polled may be nearly unanimous for something desirable, like prisons to house criminals, until they hear a new prison will be built in their county.

QUORUM The Constitution requires a majority of the members elected to a house to be present for the transacting of legislative business. Thus, a quorum is one more than half the membership and would be 21 in the Senate and 61 in the House.

QUORUM CALL Whenever the House or Senate reconvenes after a recess, either overnight or during the legislative day, there will be a quorum call to establish the presence of a majority for the lawful transacting of business. A quorum call is often taken just before the taking of the vote on a controversial measure. This serves the purpose of putting legislators on notice that a significant roll call is about to be taken and brings to their seats those who may be out of the Chamber for some reason.

There almost always will be a quorum call before roll call on those measures requiring for passage the yea votes of a fixed number of those elected: three-fifths (House, 72; Senate, 24) for constitutional amendments, and three-fourths (House, 90; Senate, 30) for special elections on constitutional amendments.

-R-

RANKING MEMBER A committee or subcommittee member from the Minority Conference who has been named by the Minority Leader and approved by the Speaker to serve as a resource, or lead, for Minority Conference members and the Minority Leader on all matters before the committee. The Ranking Member assists fellow caucus members in preparation for deliberations, debate, and votes in the committee or subcommittee, and may serve as a spokesperson for the Minority Conference on matters related to the committee or subcommittee at the direction of the Minority Leader.

READINGS Each bill or proposed constitutional amendment must receive three readings (on three separate days, unless waived by a two-thirds vote of the members voting) in each legislative house before passage. The reading of the title only typically suffices. This reading of the title is usually quite brief, often just a few words, but enough to describe the subject of the bill. Originally, readings were required because there was only one copy of the bill and this was the only way for legislators and public alike to know what was in a bill. A “reading” may be regarded as a stage in the progress of legislation.

Certain things happen on these different stages in the movement of a bill through each house. On “first reading,” a bill is introduced. “First reading” now is almost exclusively done by publication in the *Journal*. Amendments generally are considered on “second reading.” Debate and final passage occur on “third reading.”

The Constitution no longer requires the reading of bills in full at the time of the vote on passage. Until 1968, this had been required but seldom done after 1955, because legislators then possessed printed copies of general bills. Reading in full of bills can be required if one-third of the members present so desire. This ploy is usually resorted to by the minority party to emphasize a grievance.

REAPPORTIONMENT or REDISTRICTING Legislative action taken in the second year following each decennial census (every 10 years) apportioning the state into senatorial and representative districts in accordance with the Constitution of the state and of the United States.

RECALL When a legislative house seeks return of a bill from the other house, or from the Governor, its “recall” is asked. A “message”—a request in writing—is sent to the other legislative house. A concurrent resolution is needed to recall a bill from the Governor, the Supreme Court having held that it is not enough for one house to stop action on a measure that already has passed both.

RECESS Recess is the period within a legislative day that a body is not in session after once having been convened. Recess includes stated periods, such as those for lunch, and informal periods, when the members await the presiding officer’s call to return. An informal recess may be necessitated by a caucus to determine a political party position or while the House awaits the arrival of the Senate for a joint session.

RECOMMIT Any bill on the Calendar may be recommitted by a majority vote in the House. In the Senate, it is by a two-thirds vote of the Senators present. The committee of further consideration may or may not be one of those to which the bill was originally referred.

RECONSIDERATION The motion by which the House or a committee reverses an action. Each legislative house has at least two opportunities to consider nearly every action taken. The motion can be made only by someone who voted on the prevailing side or by any member in the case of a voice vote or tie vote. When either legislative house has a change of mind about any action taken during the course of passing a bill, it is the procedure to back up to the appropriate stage by reconsidering those actions that followed.

RECONSIDERATION IN COMMITTEE There are those who regard the rules relating to reconsideration in committee as the most important rules of all in the Rules Book. One former Speaker has said, “A member should familiarize himself with the rules relating to reconsideration in committee if he knows no other.” A member voting on the prevailing side on passage or defeat of a bill may serve notice that the bill be retained through the next meeting for the purpose of reconsideration. Such notice may be set aside by adoption of a motion to report the bill immediately, which requires a two-thirds vote. Sometimes, the sponsor of a bill or an interested lobbyist may leave a meeting after his/her bill has been voted on favorably only to learn later that just before

the committee rose, some member moved for reconsideration at the next meeting and thereby negated the action already taken.

REFERENCE or **REFERRAL** The process by which a presiding officer transmits a bill to one or more committees is known as “reference.” In the House, the Speaker may refer a bill to committees or subcommittees. There is a story, likely apocryphal, that a President indicated his dislike of a certain bill by referring it to “all committees now in existence or may hereafter be created.”

REFERENDUM The Constitution waives the necessity for advance notice of the passage of special or local laws in those instances where such local laws become operative only by an approving vote of the people of the affected community.

See **LAWS, SPECIAL**

REFUSE TO CONCUR The message sent by a chamber when it refuses to agree with the other house’s adopted amendments.

REFUSE TO RECEDE The message sent by a chamber when a motion to concur has been requested by one chamber and the other chamber refuses to change their position on legislation being amended.

REGULAR ORDER The order of business in the Senate and House of Representatives is detailed in their Rules. The Rules of the House, for example, provide that the daily order shall commence with the call to order, the prayer, roll call, pledge of allegiance, correction of the previous legislative day’s *Journal*, and so forth. Any deviation from the regular order requires a waiver of the rules through the consent of two-thirds of the legislators present. Should the body deviate from the regular order without this waiver, any member may, by point of order, insist upon the immediate return to the regular order.

See **ORDER OF BUSINESS**

RELIEF BILLS

See **LAWS, RELIEF OR CLAIM**

REPEALER BILLS Repealer bills are bills that, for purposes of the House Rules, only repeal or delete, without substantive replacement, provisions of the Florida Statutes or *Laws of Florida*.

REPORT The findings/recommendations of a committee or subcommittee on a measure referred to it or a subject it has been asked to study. A bill may be reported out as favorable, unfavorable, or favorable with a committee substitute.

RESOLUTION A simple or one-house resolution expresses the will of a legislative house on some matter confined to that house. It may deal with an organizational problem; for example, a change in the Rules. Or, it may convey the good wishes of the house; for example, a person may be commended for a heroic action.

RESOLVING CLAUSE The resolving clause serves to initiate resolutions in the same manner as the enacting clause does for bills. “*Be It Resolved by the House of Representatives*” is the phrase that allows the legislative body to set forth its views. When both houses are expected to act on a House concurrent resolution, the resolving clause has the additional words, “*the Senate Concurring.*” Thus, a concurrent or joint resolution is one that expresses the views of both houses. In a joint resolution, the clause says: “*Be It Resolved by the Legislature of the State of Florida.*”

REVENUE NEUTRAL A bill with an appropriation “pays its own way.” It may embody the tax or fee that will offset the cost. Or it may defray whatever cost is involved by shifting an existing tax or fee.

REVERSE SEVERABILITY CLAUSE

See **SEVERABILITY CLAUSE**

REVISER’S BILLS Florida maintains a continuous revision of its statutes. This means the Division of Statutory Revision integrates new general laws into the old so the Florida Statutes will always be reasonably up-to-date. Reviser's bills are prepared by the division pursuant to the authority granted to the Office of Legislative Services in s. 11.242, F.S. Each session, the Director sends to the Legislature bills that have the following purpose: (1) to reduce the number and bulk of the statutes, including the deletion of statutes and laws, or parts thereof, that have expired, become obsolete, been held invalid by a court of last resort, had their effect or served their purpose, or that have been repealed or superseded, expressly or by implication, except for cases in which an express repeal is to become operative prior to January 2 of the year fol-

lowing its enactment (the Division deletes them from the edition); (2) to correct errors discovered in the adopted statutes; (3) to revise cross-references; (4) to conform the statutes to constitutional amendments; (5) to remove inconsistencies, redundancies, and unnecessary repetition in the statutes; (6) to otherwise improve the clarity of the statutes and facilitate their correct interpretation; and (7) to execute directives of the Legislature to make nonsubstantive changes in the statutes. No bill other than those prepared by the reviser of statutes may be identified as a reviser's bill.

ROLL CALL The calling of the names of members of a legislative body, most particularly a committee or subcommittee, either to determine the presence of a quorum or to act upon a matter before it for disposition. Long ago this was referred to as the taking of the yeas and nays. In House and Senate sessions, the roll is taken by the voting machine.

RULES The Constitution empowers each house to determine how it shall go about its daily conduct of business. Rules governing a legislative term are adopted during Organization Session but may be amended at any time. Rules can be waived by a two-thirds vote of the members voting. Rules may be changed with proper notice by a majority vote of the members.

-S-

SEAL Adopted by House and Senate rule, each legislative house has an official seal to authenticate its documents.

SEATING CHALLENGE The Florida Supreme Court, in *Flynn v. McPherson*, held that the courts lack jurisdiction to inquire into a person's qualifications to hold office when that person already has been duly elected and has taken office as a State Representative.

“Generally,” said the Supreme Court in a unanimous opinion authored by Chief Justice Alan C. Sundberg, “there is no inherent power in the courts of this state to determine election contests and the right to hold legislative office. The courts in this state are without jurisdiction to determine the right of one who has been elected to legislative office.”

Article III, Section 2, Florida Constitution, makes each house the *sole* judge of its members' qualifications, and Article III, Section 15(c), establishes the standing qualifications for a legislator, who must be "an elector and resident of the district from which elected." Thus, the Supreme Court declared, "The Constitution grants the sole power to judge these qualifications to the Legislature in unequivocal terms. The courts of this state, therefore, have no jurisdiction to determine these constitutional qualifications."

[William "Bill" Flynn, Miami, House 1974-1976, 1978-1980

Scott McPherson, Miami, House 1980-1982]

SEATING IN THE HOUSE Seating in the House Chamber is determined by the Speaker. Typically, House leaders sit on the front row and center aisle; majority party members sit toward the front, minority party members toward the rear of the Chamber. Some areas are favored by members for different reasons. Those seated along the aisle in front of the rostrum may feel they enjoy some advantage in catching the Speaker's eye for the purpose of recognition. Other members prefer locations near the outside aisles for convenience in access to their seats.

SEATING IN THE SENATE Seating in the Senate Chamber is determined by the President.

SEEING FIVE HANDS

See **SHOW OF HANDS**

SELECT COMMITTEE A select committee is created for the purpose of dealing with a specific and, generally, a rather narrow situation. Unlike standing committees, which remain in existence for the duration of the session, a select committee usually goes out of existence when the purpose for which it was selected has been accomplished.

See **AD HOC COMMITTEE**

SENATE PRESIDENT PRO TEMPORE The Senate counterpart of the House Speaker pro tempore.

SERGEANT AT ARMS The House and Senate Sergeants at Arms are charged with maintaining order and security of the members and the Chamber under the direction of the presiding officer. The Sergeant

also performs other duties under the command and supervision of the presiding officer.

SESSION Session has two legislative meanings. A session may be the daily meeting of the full membership of the Senate or House for the purpose of considering legislation or conducting other legislative business. It also may be the regular, special, extended, or organization session, meaning the whole period for which the Legislature has been called together.

SESSION LAWS The *Laws of Florida*, a set of bound volumes, published each year, containing the annual work product (acts, resolutions, and memorials) of the Legislature.

SESSIONS, LENGTH OF In accordance with the Florida Constitution, a regular session of the Legislature shall not exceed 60 consecutive days and a special session shall not exceed 20 consecutive days, unless extended beyond such limit by a three-fifths vote of the members voting of each house. During such extension, no new business may be taken up in either house without the consent of two-thirds of its membership. See **EXTENDED SESSION**

SESSIONS, NUMBERING OF House *Journals* are numbered from 1845, the year Florida became a state. Thus, the House *Journal* for the Regular Session of 2010 was identified in these words:

“Journal of the House of Representatives for the 112th Regular Session since Statehood in 1845. . .”

In prior years, *Journals* were numbered from the first regular session under the Constitution then current. This became particularly confusing when the 1885 Constitution was supplanted in 1968 by the revised Constitution. It became doubly confusing with the resumption of annual sessions. The *Journal* in 1980 was introduced as:

“Journal of the House of Representatives for the Second Regular Session of the Sixth Legislature under the Constitution as Revised in 1968 and the 82nd Regular Session since statehood in 1845...”

SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD All general appropriations bills must be furnished to each member of the

Legislature, each member of the Cabinet, the Governor, and the Chief Justice of the Supreme Court at least 72 hours before final passage by either house of the Legislature of the bill in the form that will be presented to the Governor. (Article III, s. 19(d), Florida Constitution)

SEVERABILITY CLAUSE Often used in the past, a severability clause provided that should a court declare one portion of a law invalid it would be the stated intention of the Legislature that the remainder should stand. In 1969, however, the Florida Supreme Court stated that the absence of a severability clause in a statute would not prevent the courts from exercising their inherent power to preserve the constitutionality of the act by eliminating invalid material.

SHOW OF HANDS The Constitution requires a roll call, recorded in the *Journal*, on any question when five members request this. They make this request by raising a hand. This is known as the show of hands or “seeing five hands.” Similarly, upon request of any two members of a committee, the vote shall be taken by roll call.

SINE DIE This Latin term literally means “without day.” It is the action that concludes a session of the Legislature. A concurrent resolution may be adopted by the two houses to fix the hour of adjournment *sine die*, but each house may adjourn *sine die* at its own motion. The linking of the presiding officers by telephone has contributed to the fading out of the use of concurrent resolutions. From 1971 to the present, all of the regular sessions were adjourned upon motion. Concurrent resolutions are used to extend sessions rather than adjourn them. See **ADJOURNMENT**

SINGLE SUBJECT The State Constitution states that every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No law shall be revised or amended by reference to its title only. Laws to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a section.

SPEAKER The presiding officer of the House of Representatives. The Speaker is designated by the majority party meeting in conference and then elected by the entire House membership for a term of two years. The Speaker appoints the members of all committees and subcommittees and designates the chair and vice-chair of each. The Speaker refers

bills and other legislation to committees and subcommittees; presides over the meetings of the House; recognizes those members who wish to speak; accepts motions at pleasure; signs all legislative acts (passed bills and resolutions) and vouchers for payment from House funds; and issues subpoenas compelling the appearance of persons before committees, in and out of session. The Speaker also designates temporary presiding officers who serve in his/her absence. By custom, Speakers serve in that capacity for only a single term of two years.

The title Speaker is derived from the Old English *sprecan* and apparently was first used by Sir Thomas de Hungerford, a one-term Speaker of the House of Commons from 1376 to 1377. The title appears in the United States and Florida Constitutions. The Speaker formerly was the presiding officer of the House of Lords, but the title has given way to Lord Chancellor.

See **CHAIR**

SPEAKER PRO TEMPORE The Speaker pro tempore is designated by the majority party in caucus and then elected by the body. At the call of the Speaker, he/she will preside over the House to ease the burden upon the Speaker from time to time during a day, although the Speaker may ask any other member to perform this service. The Speaker pro tempore presides in the absence of the Speaker when no other member has been designated.

Prior to 1973, candidates ran separately for Speaker and/or Speaker pro tempore. This meant the Speaker and the Speaker pro tempore could be philosophical opponents. In the caucus of 1973, Donald L. Tucker and John L. Ryals ran as a team. This has been the custom since, and has meant the Speaker could regard his Speaker pro tempore as an arm of the Speaker's administration.

[Donald L. Tucker, Tallahassee, House 1966-1978, Speaker 1974-1978

John L. Ryals, Brandon, House 1966-1980, Speaker pro tempore 1974-1978]

SPECIAL LAWS

See **LAWS, SPECIAL; REFERENDUM**

SPECIAL MASTERS Attorneys appointed by the Speaker to conduct hearings and determine liability, proximate cause, and damages regarding claims against government entities. Special Masters may prepare

final reports containing findings of fact, conclusions of law, and recommendations.

See **CLAIM BILL**

SPECIAL SESSIONS, IDENTIFICATION Special sessions are identified by letters, “A,” “B,” etc. Through 1968, extra sessions were designated “X” sessions, but letters were substituted in 1969 because special sessions became so frequent. A 1967 session at which the 1968 Constitution was being drafted was known as “Trixy” because it was three X. “Trixy” was followed by a four-X session. The record for special sessions, however, was established in 1982 when the Legislature held six special sessions, “C” through “H.” The letters are used beginning with “A” for the first special session of each two-year term. At the beginning of the next term you start over with “A.”

See **TERM**

SPONSOR A bill’s sponsor is understood to be the legislator introducing it, although introduction may be done at the request of someone not a member. The Governor, for example, may recommend the passage of a bill, but only a member of the Legislature may introduce this bill and become its sponsor.

See **PRIME SPONSOR; FIRST-NAMED SPONSOR**

STANDING COMMITTEE A standing committee is created by rule with continuing authority to consider matters within its subject field, including bills filed by members of the houses. The name of the committee usually indicates its policy jurisdiction.

STATING THE QUESTION When a motion is made, the presiding officer repeats the motion so there will be no doubt about what the members have been asked to vote on. Sometimes the question as stated by the chair may differ from that proposed by the member, but the motion as stated by the chair is the one that counts. If the chair has stated the question differently, the member has the obligation of correcting the chair if the difference is material.

STATUTES Acts that amend (or create) law are compiled, edited, and published annually in the Florida Statutes. The Statutory Revision Division of the Legislature edits and publishes the Florida Statutes following each regular session. Sets of the Florida Statutes may be purchased from Law Book Services, Pepper Building, Tallahassee 32399-

1400, at a price based upon the cost. They are also available on the Internet (www.leg.state.fl.us).

See **ACTS, GENERAL AND SPECIAL; CONFLICTING LAWS; LAW BOOKS**

STOPPING THE CLOCK Time once stood still in the Chambers of the Florida Legislature. The *Journal* shows the 1935 Legislature ended its constitutional life of 60 days at noon Friday, May 31. Actually, however, the Senate and House remained in session until 3:38 a.m. Sunday, June 2. This was accomplished by stopping the clocks. The Sergeants at Arms rotated the duty of keeping watch over the clock against the possibility that the clock might start itself. What was responsible for the clock-stopping? In those years, the bills had to be perfected and signed by the presiding officers in open session. Thus, if lawmaking was continued to the last moment of the constitutional period, the houses had to wait until the harried and exhausted clerks completed their tasks.

The practice of stopping the clocks finally was resolved by the Supreme Court. The Court said the Legislature could function in a lawmaking capacity until the last moment. The justices went on to say the ministerial tasks of preparing those bills that had passed could be done afterwards.

SUNSHINE AMENDMENT Climaxing the first successful initiative campaign in Florida, the electorate overwhelmingly approved passage of the “Sunshine Amendment” in a November 1976 general election referendum. Spearheaded by then-Governor Reubin O’D. Askew, this amendment established a comprehensive ethics statement in the State Constitution (Article II, Section 8). It declares at the outset that “a public office is a public trust” and guarantees “that the people shall have the right to secure and sustain that trust against abuse.”

Principal among its provisions is a requirement that elected constitutional officers and candidates for such offices make “full and public disclosure of their financial interests.” Unlike the more limited source disclosures required by legislative enactment, the Sunshine Amendment requires the listing of net worth and the actual value of each asset and liability in excess of \$1,000. Income must be reported either by filing a copy of one’s most recent federal income tax return or a sworn statement identifying each source and amount of income exceeding \$1,000, including each secondary source of income, i.e., a business entity in which the official owns a material interest and derives over \$1,000 in

income. Full disclosure statements are due to be filed by incumbent officeholders with the Secretary of State by July 1 of each year. The Florida Supreme Court has held that candidates for elective constitutional office must make full disclosure at the time they submit their qualifying papers.

In addition to personal financial disclosure, the Sunshine Amendment requires full and public disclosure of campaign finances by all elected public officers and candidates for such offices. While such disclosures were required prior to the adoption of the Sunshine Amendment, inclusion of this provision in the Constitution ensures that campaign finance disclosure will continue to exist.

Enforcement of ethics in government was initially the responsibility of State prosecutors and the criminal courts. This responsibility was removed from the criminal justice system in 1974, however, when the Legislature deleted criminal penalties associated with violations of the ethics laws. Simultaneously, they created the Commission on Ethics, with responsibilities for administering the Code of Ethics for Public Officers and Employees found in Chapter 112, Part III, (112.311-112.326) of the Florida Statutes.

With the passage of the Sunshine Amendment, the Commission on Ethics was elevated to constitutional status and given the duty of investigating and making public reports on all complaints concerning “breach of public trust.” Rules of the Commission equate complaints concerning “breach of public trust” with alleged unethical conduct, including violations of conflict of interest standards for public officials in the Florida Statutes and Constitution. Examples of such provisions include the disclosure requirements of the Sunshine Amendment and Code of Ethics and the standards of conduct set forth in Section 112.313, Florida Statutes. Any citizen may file a sworn complaint with the Commission. Forms for this purpose are available from the Commission and from the Supervisors of Elections in each county.

The Commission on Ethics also prescribes forms for financial disclosure and renders advisory opinions upon the written request of any public official.

*[Reubin O'D. Askew, Pensacola, House 1959-1962, Senate 1962-1970,
Governor 1971-1979]*

SUSPENSION The action of the Senate in deciding whether to uphold the Governor in removing a public officer. In agreeing, the Senate votes to adopt its select committee's or Special Master's report, which "*finds the evidence supports the Executive Order of suspension by the Governor and that _____ be removed from the office of _____.*" If the select committee or Special Master disagrees, the Senate finds the evidence does not justify the suspension and concludes, "*not be removed from the office of _____ from which he had been suspended and that he be reinstated therein.*" The exact language varies from time to time.

See **CONFIRMATION; EXECUTIVE SESSION**

-T-

TABLE In legislative parlance, "laying" something "on the table" usually means disposing of the matter for the legislative session. A bill unfavorably reported by a committee is "laid on the table." A motion to "lay on the table" also has the effect of disposing of a matter without further debate, except that the sponsor of the measure under consideration possesses the right to talk for an additional five minutes. When the House takes up a Senate bill in lieu of the House bill, the House bill is "laid on the table."

"Table" originally was referred to in Parliament as the transacting of legislative business by lawmakers seated about a table, much as committees do today. In British Parliament, there is a Table Office, the base for Parliament's Principal Clerk, the equivalent of Florida's Clerk of the House.

See **LAY ON THE TABLE**

TAXATION AND BUDGET REFORM COMMISSION Article XI, Section 6, of the Florida Constitution requires the establishment of a Taxation and Budget Reform Commission every 20 years to "examine the state budgetary process, the revenue needs and expenditure processes of the state, the appropriateness of the tax structure of the state, and governmental productivity and efficiency; review policy as it relates to the ability of state and local government to tax and adequately fund governmental operations and capital facilities required to meet the state's needs during the next twenty year period ..." Members are selected by the Governor, Speaker of the House of Representatives, and President of the Senate. The Commission Chair

is elected by its membership during the initial meeting and, thereafter, the Commission meets at the call of the Chair. The Commission submits its results and proposals to the Legislature and, “not later than one hundred eighty days prior to the general election in the second year following the year in which the commission is established, the commission shall file with the custodian of state records its proposal, if any, of a revision of this constitution or any part of it dealing with taxation or the state budgetary process.” The next Taxation and Budget Reform Commission shall be established in 2027.

TECHNICAL AMENDMENT Strictly speaking, this is an amendment that is used in the House of Representatives to make technical corrections of a purely non-substantive nature. All such amendments are prepared by the House Bill Drafting Service and may only be introduced in the name of the Rules Committee. The amendments are adopted *pro forma* without discussion. Individual members sometimes introduce so-called technical or “corrective” amendments. They are characterized as “technical” by the sponsor and are considered as such only by those who are so persuaded.

TEMPORARILY POSTPONE The motion to temporarily postpone a bill or amendment is decided without debate therein causing a measure to be set aside but retained on the desk.

TERM The Constitution (Article III, Section 15) fixes the term of representatives at two years and the term of senators at four years. A vacancy may be filled only by the people in an election. Legislators take office upon election.

TERM LIMITS By initiative petition, the Constitution was amended in 1992 to limit terms of office for state legislators, Florida’s Congressional Delegation, Lieutenant Governor, and Cabinet officers to eight consecutive years. The U.S. Supreme Court later declared unconstitutional the term limits on federal offices.

THIRD HOUSE The term “third house” refers to lobbyists.

TIED VOTE When the body is equally divided on any measure, the question is defeated. In effect, a tie vote defeats the bill.

TIME, COMPUTING In computing the time during which the Governor may veto a bill, the days are counted from the day after the bill has been presented to the Governor. Days are regarded as running from midnight to midnight, and no attention is paid to hours or parts of a day (Florida Constitution, Article III, Section 8). This computation of time is grounded in the Florida Supreme Court's Rules of Civil Procedure, except that the Constitution speaks of "consecutive days" for veto time, thereby including Saturdays, Sundays, and holidays.

See **VETO**

TITLE The Constitution requires each bill to be prefaced by a concise statement of its contents. This statement is known as the "title." The Florida Supreme Court, in 1983, defined three types of title: the caption title, i.e., "SB 83"; the short title, i.e., "An act relating to the possession of controlled substances"; and a full title which may be lengthy. The court held each of these met the requirements of the Constitution for readings.

TITLE AMENDMENT An amendment to the title of a bill.

TP'ed A "TP'ed" bill or amendment is one the consideration of which has been temporarily postponed or deferred, either in the Chamber, on the *Calendar*, or in committee or subcommittee.

TRAIN

See **OMNIBUS BILL**

TRUST FUND BILL A trust fund bill sets up a special account into which certain taxes or fees are deposited (i.e., license fees) and out of which funds are disbursed for a specific and exclusive purpose. Article III, Section 19(f) of the Florida Constitution requires that a trust fund be created in a bill with no other content and be passed by a three-fifths vote of the membership of each house.

TURKEYS Bills to appropriate money for parks, monuments, and the like that have not been recommended by staff budget drafters for inclusion in the year's program, but believed dear to the heart of some member's constituents. Some are added by floor amendment to the General Appropriations Bill and often knocked out in conference committee. Those that stay are written into the bill by the Senate and House committees or by the conference committee. As Chair Jack Gordon of the

Senate Committee on Appropriations in 1981-1982 once said: “What one person calls a turkey, another person sees as a necessity.” Florida lawmakers used to call them “pork-barrel” projects, but somehow the meat metaphor changed to turkey. To bag a woods turkey is a Florida hunter’s prize. Hence, the derivation.
See **GOING HOME BILL**

[Jack D. Gordon, Miami Beach, Senate 1972-1992]

-U-

UNANIMOUS CONSENT If everyone present agrees, a legislative body can do anything within its constitutional powers. This is a waiver of all rules.

UNFINISHED BUSINESS Business on which action was undertaken but not completed goes to a separate calendar category identified as “Unfinished Business.” Usually, a measure is shunted to the order of business of *Unfinished Business* when it becomes hopelessly snarled. This shelving will enable the sponsor time to try to work out problems. Generally speaking, the House will not reach the order of business of *Unfinished Business* and the bill will be considered again only when the sponsor moves to take it up by a waiver of the rules.

UNICAMERAL The government organized by President James Monroe and the Congress in March 1822, for the management of the newly-acquired territory in Florida, included a one-house legislature known as the Legislative Council. This unicameral legislature lasted 17 years, from 1822 until 1839. Efforts to revive the one-house lawmaking body did not commence until a century later. Of the state legislatures in the United States, only Nebraska’s is unicameral.

-V-

VEHICLE A “vehicle” is a bill that can be amended to encompass another bill (or bills) that pertains to the same subject area.

VETO After both houses have passed a bill and it becomes an act, the Governor possesses the constitutional right to veto it. If a bill is received during a legislative session, the Governor has seven consecutive

days after presentation in which to act. If during that period, or on the seventh day the Legislature adjourns *sine die* or takes a recess of more than 30 days, the Governor has 15 consecutive days after presentation in which to act. The vetoed bill, with a statement by the Governor of his objections, is returned to the legislative house in which the bill originated. If passed by a two-thirds vote of the members present in each house, the act becomes law despite the Governor's objections. If the Legislature is not in session at the time of the veto, the act is held by the Secretary of State for transmittal to the appropriate house when the Legislature next convenes. Veto messages may be considered at the next special or regular session.

See **TIME, COMPUTING**

VETO OVERRIDE The Constitutional ability of the Legislature to override the Governor's veto by a vote of two-thirds of members voting in each house.

VOICE VOTE As the words indicate, this is a vote taken orally, with "yeas" for affirmative votes and "nays" for negative. The presiding officer states the action to be applied. If there is disagreement on the presiding officer's statement, members can go to the board for a machine roll call by raising the necessary five hands. This action is known also as a *viva voce* vote. A voice vote cannot be used for passage of a bill or joint resolution, as the Constitution (Article III, Section 7) requires a recording of each member's vote.

VOTE In the Legislature, this is the means of expressing the collective judgment. The Constitution requires the recorded yeas and nays of the individual members on the final passage of all legislation. A voice vote will suffice for adoption of amendments, motions, resolutions, and memorials although a roll call can be obtained even on these if five members, by a show of hands, demand a recorded vote or if the Speaker directs the Clerk to open the vote board for a recorded vote.

Generally, bills are passed by a majority of the members, a quorum being present. However, a bill for a special election on a proposed amendment to the State Constitution requires for passage the approval of three-fourths of the members elected, or 90 yeas in a House of 120 and 30 yeas in a Senate of 40. The vote required for submission to the electorate of a proposed amendment to the State Constitution is three-

fifths of the membership, or 72 yeas of 120 in the House and 24 yeas of 40 in the Senate.

VOTING RECORD Many members seek to maintain a perfect voting record. Such a record may have little substance, but defending failure to vote could cause a problem at the next election. The paradox is that the legislative leaders are called upon to serve on conference committees, requiring their absence from the Chamber for hours at a session's end. Members not in the leadership stay in the Chamber and vote. The roll call, once taken, cannot be changed. Beneath the machine roll call in the *Journal*, members may enter a "Yea" or "Nay" as an indication of how they would have voted. This shows their sentiment toward the measure being voted upon. Also, the Clerk lists those members excused from attendance and the meetings of conference committees in each day's *Journal*.

-W-

WAIVE THE RULES A phrase often heard in the Legislature is "move the rules be waived." The Constitution and the Rules of the Senate and House provide a series of braking actions on the passage of bills, e.g., the reading on three separate days. If two-thirds of the members present are agreeable to foregoing such procedural steps, then a motion to waive the rules is in order. The motion is not available in committees or subcommittees.

WELL The podium in the area between the Clerk's dais and the first rows of seats in the House Chamber is known as the Well. Legislators may request permission to "go to the Well" when they wish to present something they deem of special importance. The Well is also used for the presentation by committees of such complicated or lengthy bills as the General Appropriations Bill. The Well is not used as frequently now as in the days before each member had access to a microphone. Some members may never have the opportunity to speak from the Well.

As with many American legislative terms, "well" is probably a transplant from England. The English law court called the Well the space set off immediately in front of the judge's bench. In the Florida House, this space is rounded off by the first row of member seats. To one side of

the Well is a lecture stand with microphone. The Senate does not have a well as such. When a Senator is given permission to go to the Well, this means a microphone and lectern at the east end of the desk of the Secretary of the Senate. This is the microphone used by the clergy offering the daily prayer.

Another possible derivation of the term “well” is the location in early House Chambers from which a member could speak and easily make himself understood without raising his voice. Hence, as though speaking “down a well.”

See **CHAMBER**

WHEREAS CLAUSE The whereas clause found in some laws is an introductory or prefatory statement. It usually is a statement of the facts that caused the Legislature to act. The clause is not an essential portion of the law. It appears ahead of the enacting clause. While the “whereas clause” is included in the *Laws of Florida*, the clause is dropped from Florida Statutes if the law is incorporated into them.

WHIP The whips (and their assistants) serve as the eyes and ears of the majority and minority leadership. They seek to determine how the members of their political party feel about issues and situations, and in turn inform the members assigned to them how the leadership feels. The name derives in English parliamentary usage from the fox-hunting functionary who controls the movement of the hounds and is called the whipper-in.

WITH ALL DUE RESPECT During debate, this phrase may be used before presenting an opposing viewpoint without seeming disrespectful to another member. Representative Bill Posey characterized it, in effect, as meaning, “I am about to say something to you that I would not appreciate your saying to me.”

[Bill Posey, Rockledge, House 1992-2000, Senate 2000-2008]

WITHDRAW FROM FURTHER CONSIDERATION In accordance with the House Rules, a bill that has been introduced during a legislative session can be withdrawn from further consideration and requires a motion made on the floor followed by a two-thirds vote. This motion is usually made by the Chair of Rules and is done during the order of business of “Motions Relating to Committee and Subcommittee

References.”

See **WITHDRAW PRIOR TO INTRODUCTION**

WITHDRAW PRIOR TO INTRODUCTION In accordance with the House Rules, a request to withdraw a bill prior to introduction by the sponsor of the bill must be sent by letter to the Clerk of the House. Emails are accepted. This action can be done between the filing of the bill and prior to the convening time of the first day of session. After a bill has been introduced, it can only be withdrawn by motion on the floor.

See **WITHDRAW FROM FURTHER CONSIDERATION**

WITHOUT OBJECTION Much of the business of the Chambers is done “without objection.” This means the presiding officer has not put a motion to the body to dispose of a matter proposed by a member: for example, for a legislator to withdraw from further consideration a bill he/she has introduced but no longer wishes to pursue. “Without objection” is the same as saying “by unanimous consent.” Example: “Without objection show the bill withdrawn.”

WOULD YOU BELIEVE? In debate, a member yields for questions during the allotted time. Often, the member to whom yielded will comment directly on the matter under consideration rather than ask a question. Finally, the legislator debating on the other member’s time will convert his or her comments into a question by the phrase, “Would you believe?” The Rules now prohibit debate in the form of a question.

-Y-

YIELD This may be used in two ways. A member may yield to another, usually for a question, but without surrendering the floor. Or, a motion may yield to another of higher dignity.

Most Commonly Used Abbreviations

C: Capitol Building

CH or Ch: Chapter

CS: Committee Substitute

ENG: Engrossed

ENR: Enrolled

F.S.: Florida Statutes

FTE: Full Time Equivalent

GR: General Revenue Fund

H: House Office Building

HB: House Bill

HCR: House Concurrent Resolution

HJ: House Journal (page number usually follows)

HJR: House Joint Resolution

HM: House Memorial

HR: House Resolution

KB: Knott Building

PCB: Proposed Committee Bill

PECO: Public Education Capital Outlay

s.: Section of the Florida Statutes

SB: Senate Bill

SB: Senate Office Building

SCR: Senate Concurrent Resolution

SJ: Senate Journal (page number usually follows)

SJR: Senate Joint Resolution

SM: Senate Memorial

SR: Senate Resolution

ss.: Subsection of the Florida Statutes

TP: To Temporarily Postpone or Defer Consideration

Historic Chamber Talk

There are many historic terms not currently used in the House of Representatives that were once common. The following represent a good example of how the language of lawmaking changes with usage over time. The definitions also present a colorful story for how some of these terms come into existence. All of these were in previous editions of the *Language of Lawmaking*.

AERODYNAMICALLY SOUND Former Representative William E. Sadowski offered “aerodynamically sound” as “one of the more utilitarian, if not poetic, phrases” he recalled from six years’ service in the Legislature. (Speaker Richard A. Pettigrew put it another way by asking, “Will the bill fly?”)

Of “aerodynamically sound,” Sadowski explained, “In its more general application the phrase, of course, refers to an issue or bill which must pass during a particular session or, alternatively, for which there is a constituency of support that it will necessarily pass during a session. (Thus, for example, the workers’ compensation bill was aerodynamically sound in 1979, although it could not ‘fly’ during prior sessions due to political difficulties.)

“Another application of the phrase, you will recall, is to ‘make [an issue or bill] aerodynamically sound.’ This is usually accomplished by wedding an otherwise non-aerodynamically sound issue to one which is aerodynamically sound, thereby providing the necessary impetus for passage of the first issue during a session in which it might not otherwise be capable of passage. As an example of this latter application, I would offer the insurance exchange enabling legislation which was, as I recall, amended onto an aerodynamically sound workers’ compensation reviser’s bill in order to assure passage of the insurance exchange legislation. Once it was wedded to the workers’ compensation issue, the insurance exchange legislation passed quite easily.”

[William E. “Bill” Sadowski, Miami, House 1976-1982

*Richard A. Pettigrew, Miami, House 1963-1972, Speaker 1970-1972,
Senate 1972-1974]*

APPROPRIATION, POSITIVE Rarely used, this term is applied to bills that will be funded largely by grants from the Federal Government (i.e., bills adding revenue to the state budget). Usually, these are known as matching funds.

ATTACHÉ Attaché was once the word used to describe nearly all employees of the Legislature. The word has, however, fallen into disuse, likely because legislative workers now can be categorized in more specific and generally understood terms: administrative assistant, aide, analyst, etc.

BAR Until 1949 there was reference in the Rules of the Florida House to the “Bar” of the House. Until the House occupied a new Chamber in 1939 (and the Senate in 1949), spectators could be seated on the main floor of the Chamber. Seating for those spectators was separated by a railing from the area occupied by the Representatives. In the House, this railing was known as the “Bar.”

The “Bar” was doubtlessly derived from the same word used to describe the railing in courtrooms to separate the general public from the area occupied by the judges, lawyers, jury, and attachés in the trial of a case. The word in its judicial and parliamentary use is hundreds of years old. The proximity of the back row of Senators to the spectators, including lobbyists, served to diminish the effectiveness of the railing as a bar to mingling.

BEHIND THE RAIL Many years ago, in the Senate, going “behind the rail” was considered as being outside the Senate Chamber, so Senators seeking to avoid voting, but not wanting to be absent from the session, would stand behind the rail and remain silent when their name was called, even though they were present and watching.
See **BAR**

BELLS AND WHISTLES The frills added to a piece of legislation generally at the behest of an individual legislator. This sometimes is called “leaving the mark” so a legislator proudly may point to some words and say, “Those are mine.” The *Orlando Sentinel* defined bells and whistles in a 1982 story as the “gimmick to make it easier to swallow an unpalatable proposal.”

BIRD DOGGING A legislator or lobbyist intent upon the passage or defeat of a bill will devote himself to following it closely through the process, in committees and in the other house. This is known as “bird dogging” a bill.

CHAMBER USE *Journals* relate the varied use to which the House Chamber (four since statehood in 1845) has been put through the years. For example: funeral services for a Senator (1879), preaching (1852), concerts (1854), lecture (1858), religious revival service (1887), the “Tournament of Love” grand ball (1870), and several weddings. An opportunity to hear a temperance lecture in 1885 was passed up when an amendment was offered requiring the payment of a \$5 fine by any member failing to attend.

CHRISTMAS TREE When a Fiscal Committee loses control of its General Appropriations Bill, legislators are likely to decorate the bill with pet appropriations (usually trimmed away in conference committee). After a number of the turkeys have been added to the bill, it likely will be referred to as a “Christmas tree.”

CLOTURE The parliamentary process by which debate is closed. Known sometimes as the “guillotine,” adoption in the house of the motion for the previous question ends debate after three-minute closing statements from the sponsor and an opponent of the matter under consideration. (If the motion would kill the bill, its sponsor is also entitled to a closing statement.)

DAISY-CHAIN When the 1957 Legislature proposed a general revision of the 1885 Constitution, it did so by a series of interlocking amendments. To prevent the electorate from picking and choosing among the 14 separate amendments, the Legislature attached a provision that said that if one amendment was defeated, all would fail. This was known as the “daisy-chain.” The Supreme Court, before the election, struck down this approach to constitutional revision.

DOG WON’T HUNT, THAT An outdoorsman’s way of saying he doesn’t believe a piece of legislation will pass.

DOWN TO MY SHORTS When an amendment threatens to remove the key provisions of a bill, a member might say, “This amendment takes me down to my shorts.”

FRIENDLY QUESTION “Will the gentleman yield for a friendly question?” If he does, warned caucus teacher Murray H. Dubbin, the gentleman may well regret doing so, for this “friendly question” more often than not will be a dagger plunged into the heart of his bill, all the deeper for being unexpected.

[Murray H. Dubbin, Miami, House 1963-1974]

GOING-HOME-BILL WEEK The last week of a Regular Session when members have their final chance to pass the legislation that may mean their reelection. Designated by Representative Steve Pajcic.

[Steve Pajcic, Jacksonville, House 1974-1985]

GREASING Representative Carrie Meek brought a new term, “greasing,” to the Florida legislative lexicon. During debate in 1980 over taxicab regulation, Representative Meek said she wanted to call the attention of the House to “a syndrome that is called ‘greasing.’ This particular syndrome permits this body to allow bad bills to be infused with good bills.”

[Carrie P. Meek, Miami, House 1979-1982, Senate 1982-1992, U.S. House of Representatives 1993-2003]

JOE/LUCY LUNCHBOX Leading an unsuccessful fight in the 1982 Senate to keep a cap of 18 percent on bank consumer loans, Senator Richard H. Langley said, “Joe Lunchbox needs to pay his hospital bills or to repair his car.” These names are often used by legislators and editorial writers as a symbol of the harried working person. Also sometimes referred to as “Joe Sixpack.”

[Richard H. “Dick” Langley, North Lake Minneola, House, 1972-1978, Senate 1980-1992]

MOTHERHOOD BILL The kind no legislator expecting reelection can afford to vote against—in the opinion of its sponsor.

NO KIDDING RULE In days of old, late in a session, when humor and teasing are no longer tolerated, the “No Kidding Rule” is said to be in effect.

ORNAMENTS ON A CHRISTMAS TREE In the last days of a legislative session, amendments are attached to bills that already have passed both houses in different forms. Sponsors are inclined to accept germane amendments rather than risk the loss of the bill. At that stage of a session, amendments are often accepted without the scrutiny given earlier. This is known as “hanging ornaments on a Christmas tree.”

PAMPHLET LAW Prior to the compilation of the newly enacted laws, printed copies of the individual laws were available from the Department of State in pamphlet or “slip” form.

PORK CHOP GANG “Pork Chop Gang” was first used in an editorial written by James A. Clendinen for the *Tampa Tribune* of July 13, 1955, during the first reapportionment battle of the gubernatorial administration of Governor LeRoy Collins. Editor Clendinen said it developed this way:

In a preceding editorial, I charged the opponents of reapportionment—specifically, the Senate group—with fighting for pork, rather than principle. In an editorial three days later I labeled them the Pork Chop Gang. Since the group was dominated by rural legislators, the pork chop struck me as being an appropriate symbol for their self-interest in this battle.

[Thomas LeRoy Collins, Tallahassee, House 1935-1939, Senate 1941-1943, 1947-1953, Governor 1955-1961]

RAILROAD When there is a belief that the House has heard enough, a motion for the previous question will cut off debate except for closing arguments by each side. Often there may be some dissenting members who would have wished to talk longer, and the cry of “Railroad” will be heard. Usually, this is done in a good-natured way, but sometimes not. During several past regular sessions, the House member responsible for a major bill handled in this fashion would be ceremoniously presented with a locomotive engineer’s cap and perhaps a toy train. On one occasion, the bill’s manager received instead a cowboy hat and a whip.

SLIP LAW The individual printed version of a “chapter law,” which becomes available shortly after a bill has become a law and has been assigned a number in the *Laws of Florida*. This terminology is seldom used since full versions are available online.

WEISSENBORN'S PLAQUE A bronze plaque in the rotunda of the Plaza Level of the Capitol is a reminder of the struggle to both save the old Capitol and build the new. It reads: "This plaque is dedicated to Senator Lee Weissenborn whose valiant effort to move the Capitol to Orlando was the prime motivation for the construction of this building." The plaque resulted from a tussle of wills between the Senate and House of Representatives in 1978 over preservation of the old Capitol. The Senate, through Senator Jack Gordon, made provision for the Weissenborn plaque a condition of passing the bill to save the old Capitol. The House capitulated, but the belief was that the plaque, if ever placed, would be hidden. Four years later, no plaque having been placed for a variety of excuses, former Senator Kenneth A. Plante supplied the plaque and it was placed.

[Lee Weissenborn, Miami, House 1963-1965, Senate 1966-1972

Jack D. Gordon, Miami Beach, Senate 1972-1992

Kenneth A. "Ken" Plante, Winter Park, Senate 1967-1978]