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House Resolution

A resolution establishing the Rules of the House of Representatives of the State of Florida for the 2006-2008 term.

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

That the following rules shall govern the House of Representatives of the State of Florida for the 2006-2008 term:

THE RULES OF THE FLORIDA HOUSE OF REPRESENTATIVES

RULE ONE

LEGISLATIVE ORGANIZATION

1.1--Officers of the House

(a) CONSTITUTIONAL OFFICERS. Pursuant to Section 2 of Article III of the Florida Constitution:

(1) The House shall choose a permanent presiding officer designated Speaker.

(2) The House hereby designates as its clerk the Chief Clerk, to be appointed and serve in accordance with these rules.

(b) HOUSE LEADERSHIP. In addition to the Speaker, the House shall choose a Speaker pro tempore, who shall serve in the absence or condition of inability of the Speaker. The Speaker shall appoint a Majority Leader from among the members of the Majority Conference to serve at the pleasure of the Speaker. The

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29 | Minority Conference shall select a Minority Leader from among
30 | the members of the Minority Conference.

31 | (c) OTHER OFFICERS. The Speaker shall appoint a
32 | Parliamentarian, a Chief Clerk, and a Sergeant at Arms who shall
33 | be employees of the House.

34 |

35 | 1.2--Political Party Conferences

36 | Conference rules shall be interpreted and enforced solely by the
37 | respective caucuses.

38 |

39 | 1.3--Seating Challenges

40 | In the case of a contest for a seat in the House, notice setting
41 | forth the specific grounds of such contest and the supporting
42 | evidence must have been received by the Chief Clerk not less
43 | than 5 days before the organization session of the Legislature.

44 | No motion to disqualify a member shall be in order at the
45 | organization session until a Speaker has been elected in
46 | accordance with the Florida Constitution. In the case of a
47 | special election, notice must have been received by the Chief
48 | Clerk not less than 5 days before the next regular or special
49 | session convenes. If the election is during a session or less
50 | than 5 days before the next session, the notice must have been
51 | received on the next legislative day following the receipt of
52 | certified election results. A contest setting forth facts
53 | sufficient to warrant review shall be referred by the Speaker to
54 | an appropriate council or committee. The council or committee
55 | shall conduct hearings as required and report its findings and
56 | recommendations to the House. Upon receipt of the council or

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57 | committee report, the House shall convene with all dispatch to
58 | determine the contest by a majority vote.

59 |

60 | RULE TWO

61 | POWERS, DUTIES, AND RIGHTS OF THE SPEAKER

62 |

63 | 2.1--Presiding

64 | The Speaker shall take the chair and call the House to order at
65 | the hour appointed for meeting and, if a quorum is present,
66 | shall proceed with the order of business.

67 |

68 | 2.2--Interpreting Rules

69 | The Speaker shall interpret, apply, and enforce the Rules of the
70 | House.

71 |

72 | 2.3--Deciding Questions of Order

73 | (a) DETERMINATION BY THE SPEAKER. All questions of order
74 | shall be presented to the Speaker for determination. The Speaker
75 | may require the member raising a point of order to cite the rule
76 | or other authority in support of the question. The Speaker may
77 | decide the question of order, put such question to the House, or
78 | refer such question to the Chair of the Rules & Calendar Council
79 | for a recommendation to the Speaker. Any decision of the Speaker
80 | on a point of order is subject to an appeal to the House made
81 | timely and separately by any five members.

82 | (b) QUESTIONS OF ORDER ARISING IN COUNCIL OR COMMITTEE. A
83 | question of order may be certified by a council or committee
84 | chair to the Speaker for determination as any other question of

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85 | order. A question of order decided in council or committee may
86 | be appealed to the Speaker, provided the appeal is announced in
87 | the council or committee meeting and presented in writing,
88 | signed by two members of the council or committee, and delivered
89 | to the applicable chair prior to 4:30 p.m. the next day
90 | (excluding Saturdays, Sundays, and official state holidays). The
91 | appeal must then be immediately certified by the chair to the
92 | Speaker, who shall decide the question as any other question of
93 | order. The certification or appeal of a question arising in
94 | council or committee does not constitute an automatic stay of
95 | further action on the measure to which the question relates.

96 | (c) APPEAL TO THE HOUSE. When a decision of the Speaker on
97 | a question of order is appealed, the Speaker shall put the
98 | appeal to the House. No member may speak more than once, or for
99 | more than 3 minutes, on an appeal unless given leave by the
100 | House by majority vote.

101 | (d) DECISIONS NOT SUBJECT TO APPEAL. Responses to
102 | parliamentary inquiries and decisions of recognition made by the
103 | Speaker may not be appealed.

104 |
105 | 2.4--Execution of Documents

106 | The Speaker shall sign all bills and all writs, warrants, and
107 | subpoenas issued by order of the House, all of which shall be
108 | attested to by the Chief Clerk. The Speaker may delegate the
109 | authority to sign papers authorizing payments or other papers of
110 | an administrative nature.

111 |
112 | 2.5--Appointment of a Temporary Presiding Officer

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113 The Speaker may appoint any member to perform the duties of
114 presiding officer for a temporary period of time not to extend
115 beyond a single legislative day. If the Speaker is absent and
116 has not made such an appointment, the Speaker pro tempore shall
117 act as presiding officer during the Speaker's absence. However,
118 if the Speaker pro tempore is also absent and has not made such
119 an appointment, the Chair of the Rules & Calendar Council shall
120 act as presiding officer during the absence of both the Speaker
121 and Speaker pro tempore or may appoint another member to perform
122 such duties. The Speaker pro tempore shall exercise the duties,
123 powers, and prerogatives of the Speaker in the event of the
124 Speaker's death, illness, removal, or inability to act, until
125 the Speaker's successor is elected.

126

127 2.6--Protecting the Interests of the House

128 The Speaker may initiate, defend, intervene in, or otherwise
129 participate in any suit on behalf of the House, a council or
130 committee of the House, a member of the House (whether in the
131 legal capacity of member or otherwise), a former member of the
132 House, or an officer, employee, or agent of the House when the
133 Speaker determines that such suit is of significant interest to
134 the House and that the interests of the House would not
135 otherwise be adequately represented.

136

137 2.7--Control of House Facilities

138 The Speaker shall have administrative control of the Chamber
139 when the House is not in session and of every other room, lobby,
140 and gallery of the House.

141
142 RULE THREE143 MEMBERS
144

145 3.1--Membership

146 The House shall exercise its right to be the sole judge of the
147 qualifications, elections, and returns of its members.
148

149 3.2--Voting Obligation

150 Except when abstention is required, every member shall have an
151 obligation to vote on all matters that come before the House in
152 session or before any council or committee to which the member
153 is appointed. A member may not vote by proxy. A member may
154 register an electronic vote in the Chamber for another member at
155 the other member's specific request, provided the requesting
156 member is in the Chamber during the vote.

157 (a) ABSTENTION ON MATTERS OF SPECIAL PRIVATE GAIN. A
158 member may not vote on any measure that the member knows or
159 believes would inure to the member's special private gain. The
160 member must disclose the nature of the member's interest in the
161 matter from which the member is required to abstain.

162 (b) DISCLOSURE ON MATTERS OF SPECIAL PRIVATE GAIN TO
163 FAMILY OR PRINCIPALS. When voting on any measure that the member
164 knows or believes would inure to the special private gain of a
165 family member of the member or to the special private gain of
166 any principal by whom the member or a family member of the
167 member is retained or employed, a member must disclose the
168 nature of the interest of such person in the outcome of the

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169 | vote. For the purpose of this rule, family members include the
170 | member's spouse, parents, and children.

171 | (c) METHODS OF DISCLOSURE. If the vote is taken on the
172 | floor, disclosure shall be accomplished by promptly filing with
173 | the Chief Clerk a memorandum, which shall be printed in the
174 | *Journal*. If the vote is taken in a council or committee, the
175 | memorandum shall be filed promptly with the council or committee
176 | administrative assistant, who shall attach such memorandum to
177 | the council or committee report.

178

179 | 3.3--Attendance Obligation

180 | (a) COUNCIL AND COMMITTEE MEETING ATTENDANCE. A member
181 | shall attend all meetings of councils and committees to which
182 | appointed unless excused by the chair or by the Speaker. Excuse
183 | from a House session shall constitute excuse from that day's
184 | meetings. Failure to attend two consecutive meetings, unless
185 | excused, shall constitute automatic removal from the council or
186 | committee and create a vacancy. Upon notification of automatic
187 | removal, the Speaker shall make an appointment to fill such
188 | vacancy.

189 | (b) SESSION ATTENDANCE

190 | (1) A member may not be absent from the sessions of the
191 | House without approval from the Speaker. Upon written request of
192 | a member submitted in a timely manner, the Speaker may, by
193 | written notice to the Chief Clerk, excuse the member from
194 | attendance for any stated period. It shall be the responsibility
195 | of the excused member to advise the Chief Clerk when leaving and
196 | returning to the Chamber.

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197 (2) Any member who has answered roll call, either orally
198 or by electronic means, at the opening of any daily session, or
199 who enters after the initial quorum call and informs the Chief
200 Clerk of the member's presence, shall thereafter be presumed
201 present unless necessarily prevented or leave of absence is
202 obtained from the Speaker. The Speaker shall make any
203 determination as to whether a member was necessarily prevented.
204

205 3.4--Open Meetings

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

218 (b) Meetings conducted in the Chamber of either the House
219 or the Senate while such body is in session shall be considered
220 to be held at a location providing reasonable access to, and to
221 be reasonably open to, the public. When the number of persons
222 must be limited because of space considerations or otherwise for
223 the maintenance of order or decorum, at least one representative
224 each of the print, radio, and television media shall be included

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225 among the members of the public admitted, if such persons have
 226 requested admission.

227 (c) For the purpose of this rule, and as used in Section 4
 228 of Article III of the Florida Constitution, legislation shall be
 229 considered pending if filed with the Chief Clerk. An amendment
 230 shall be considered pending if it has been delivered to the
 231 administrative assistant of a council or committee in which the
 232 legislation is pending or to the Chief Clerk, if the amendment
 233 is to a bill that has been reported favorably by each council or
 234 committee of reference, and the term "formal legislative action"
 235 shall include any vote of the House or Senate, or of a council,
 236 committee, or subcommittee of either house, on final passage or
 237 on a motion other than a motion to adjourn or recess.

238
 239 RULE FOUR

240 DUTIES OF PARLIAMENTARIAN, CHIEF CLERK,
 241 SERGEANT AT ARMS, AND EMPLOYEES

242
 243 4.1--The Parliamentarian

244 The Parliamentarian serves at the pleasure of the Speaker. The
 245 Parliamentarian shall advise the Speaker and other officers,
 246 councils, committees, and members on matters of parliamentary
 247 procedure. The Parliamentarian may assist the presiding officer
 248 in formulating responses to parliamentary inquiries or rulings
 249 on points of order.

250
 251 4.2--The Chief Clerk

252 The Chief Clerk serves at the pleasure of the Speaker. The Chief

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253 Clerk shall perform the ministerial duties assigned by the
254 Speaker. The duties shall include keeping and publishing a
255 correct Journal of House proceedings, publishing other House
256 documents, attesting to all necessary documents, and supervising
257 the custody of all legislation, records, and documents of the
258 House.

259

260 4.3--The Sergeant at Arms

261 The Sergeant at Arms (hereinafter "Sergeant") serves at the
262 pleasure of the Speaker. The Sergeant shall attend the House
263 during its sittings and maintain order under the direction of
264 the Speaker or other presiding officer. In case of any
265 disturbance or disorderly conduct within the Chamber, corridors,
266 passages, lobby, galleries, and rooms of the House, whether in
267 the Capitol or elsewhere, the Speaker may order the Sergeant to
268 suppress the same and may order the Sergeant to remove any
269 person creating any disturbance. The Sergeant will ensure that
270 no person is admitted to the Chamber except in accordance with
271 these rules. The Sergeant shall oversee the security of the
272 House and its members when engaged in their constitutional
273 duties and perform other duties under the command and
274 supervision of the Speaker.

275

276 4.4--The Employees

277 The Speaker shall employ all employees of the House and shall
278 determine their qualifications, duties, hours of work, and
279 compensation, including perquisites and other benefits. All
280 employees work for and serve at the pleasure of the Speaker. The

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281 Speaker has the right to dismiss any employee of the House
 282 without cause, and the pay of such employee shall stop on the
 283 designated day of dismissal. Except when operating under
 284 direction from a member with authority over the designated
 285 employee, no House employee shall seek to influence the passage
 286 or rejection of proposed legislation.

287
 288 RULE FIVE

289 FORM AND INTRODUCTION OF BILLS

290
 291 5.1--"Bill" Stands for All Legislation

292 Except when the context otherwise indicates, "bill," as used in
 293 these rules, means a bill, joint resolution, concurrent
 294 resolution, resolution, memorial, or other measure upon which a
 295 council or committee may be required to report.

296
 297 5.2--Member Bill Filing Deadline

298 No general bill, local bill, joint resolution, concurrent
 299 resolution (except one relating to extension of a session or
 300 legislative organization or procedures), substantive House
 301 resolution, or memorial shall be given first reading unless
 302 approved for filing with the Chief Clerk no later than noon of
 303 the first day of the regular session. No ceremonial resolution
 304 shall be given first reading unless approved for filing with the
 305 Chief Clerk prior to the 46th day of regular session.

306
 307 5.3--Limitation on Member Bills Filed

308 (a) A member may not file more than six bills for a

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309 regular session. Of the six bills, at least two must be approved
 310 for filing with the Chief Clerk no later than noon of the 6th
 311 Tuesday prior to the first day of the regular session. For
 312 purposes of this rule, the member considered to have filed a
 313 bill is the first-named sponsor of the bill.

314 (b) Bills not counted toward these limits include:

315 (1) Local bills, including local claim bills.

316 (2) Ceremonial House resolutions.

317 (3) Memorials.

318 (4) Concurrent resolutions relating to extension of a
 319 session or legislative organization or procedures.

320 (5) Trust fund bills adhering to another bill.

321 (6) Public records or public meetings exemption bills
 322 adhering to another bill.

323 (7) General bills adhering to a joint resolution.

324 (8) Bills that only repeal or delete, without substantive
 325 replacement, provisions of the Florida Statutes or Laws of
 326 Florida.

327 (9) Bills withdrawn from further consideration prior to
 328 the applicable filing deadline.

329

330 5.4--Forms of Measures; Sponsorship Transactions

331 (a) To be acceptable for introduction, all bills shall be
 332 produced in accordance with standards approved by the Speaker.

333 (b) No member may be added or deleted as a sponsor or
 334 cosponsor of a bill without the member's consent. A member
 335 desiring to be a cosponsor must submit to the Chief Clerk a
 336 cosponsorship request agreed to by the first-named sponsor. A

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337 member may withdraw as a cosponsor by submitting a request to
338 the Chief Clerk.

339 (c) Bills that propose to amend existing provisions of law
340 shall contain the full text of the section, subsection, or
341 paragraph to be amended. Joint resolutions that propose to amend
342 the Florida Constitution shall contain the full text of the
343 section to be amended. As to those portions of general bills and
344 joint resolutions that propose to amend existing provisions of
345 the Florida Statutes or the Florida Constitution, words to be
346 added shall be inserted in the text underlined and words to be
347 deleted shall be lined through with hyphens. If the change in
348 language is so general that the use of these procedures would
349 hinder, rather than assist, the understanding of the amendment,
350 it is not necessary to use the coded indicators of words added
351 or deleted, but, in lieu thereof, a notation similar to the
352 following shall be inserted immediately preceding the affected
353 section of the bill: "Substantial rewording of section. See s.
354 , F.S., for present text." When such a notation is used,
355 the notation, as well as the substantially reworded text, shall
356 be underlined. The words to be deleted and the above-described
357 indicators of such words and of new material are for information
358 and guidance and do not constitute a part of the bill under
359 consideration. Numerals in the margins of the line-numbered
360 pages do not constitute a part of the bill and are shown on each
361 page only for convenience in identifying lines. Section
362 catchlines of existing text shall not be underlined, nor shall
363 any other portion of a bill covered by this rule other than new
364 material.

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5.5--Local Bills

(a) If the substance of a local bill may be enacted into law by ordinance of a local governing body without the legal need for a referendum, the Committee on Urban & Local Affairs may not report the bill favorably.

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

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

5.6--Claim Bills

(a) The Speaker may appoint a Special Master to review a claim bill or conduct a hearing, if necessary. The Special Master may administer an oath to all witnesses, accept relevant documentary and tangible evidence offered as deemed necessary, and record the hearing. The Special Master may prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the Special Master, who shall be available, in person, to explain his or her report to any council or committee of reference.

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

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393 committees.

394 (c) The hearing and consideration of a claim bill shall be
 395 held in abeyance until all available administrative and judicial
 396 remedies have been exhausted, except that the hearing and
 397 consideration of a claim that is still within the judicial or
 398 administrative system may proceed when the parties have executed
 399 a written settlement agreement.

400

401 5.7--Reviser's Bills

402 Reviser's bills shall be introduced by the Rules & Calendar
 403 Council, which may request prior review by another council or
 404 committee.

405

406 5.8--Memorials

407 A memorial expresses the opinion of the Legislature to the
 408 Federal Government. All memorials shall contain the resolving
 409 clause "Be It Resolved by the Legislature of the State of
 410 Florida:".

411

412 5.9--House Resolutions; Concurrent Resolutions; Tributes

413 (a) All House resolutions and all concurrent resolutions
 414 originating in the House shall contain a title and a resolving
 415 clause. In the case of House resolutions, the resolving clause
 416 shall be "Be It Resolved by the House of Representatives of the
 417 State of Florida:". In the case of concurrent resolutions
 418 originating in the House, the resolving clause shall be "Be It
 419 Resolved by the House of Representatives of the State of
 420 Florida, the Senate Concurring:". Concurrent resolutions

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421 originating in the House shall present only questions pertaining
 422 to extension of a session, enactment of joint rules,
 423 ratification of federal constitutional amendments,
 424 communications with the judiciary, actions taken pursuant to
 425 federal law not requiring gubernatorial approval, or other
 426 exclusively legislative matters.

427 (b) All ceremonial House resolutions shall be reviewed and
 428 approved by the Chair of the Rules & Calendar Council before
 429 introduction.

430 (c) Copies of House resolutions shall be furnished by the
 431 Chief Clerk. The Secretary of State shall be requested to
 432 prepare certified copies of concurrent resolutions after their
 433 adoption.

434 (d) Any matter commemorating local achievement,
 435 condolences, or other recognition shall be prepared by the House
 436 Bill Drafting Service as an individual tribute for the member
 437 sponsoring the measure.

438

439 5.10--Bills Filed During an Interim

440 During the period between the organization session and the
 441 convening of the first regular session of the legislative
 442 biennium and during the period between the first and second
 443 regular sessions of the legislative biennium, members may file
 444 for introduction bills that have been prepared or reviewed by
 445 the House Bill Drafting Service.

446

447 5.11--Requirements for Introduction

448 (a) All bills (other than a general appropriations bill,

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449 concurrent resolutions relating to organization of the
450 Legislature, resolutions relating to organization of the House,
451 reviser's bills, reapportionment bills or resolutions, and
452 recall of acts from the Governor) shall either be prepared or,
453 in the case of local bills, reviewed by the House Bill Drafting
454 Service. After completion and delivery by the House Bill
455 Drafting Service, no change may be made in the text or title of
456 the bill without returning the bill to the House Bill Drafting
457 Service prior to filing.

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

462

463 5.12--Identification

464 Each bill shall be given a number and filed with the Chief Clerk
465 by the House Bill Drafting Service. Bills shall be serially
466 numbered in an odd-numbered sequence, except that bills of a
467 similar type may be serially numbered separately. The Chief
468 Clerk shall validate the original copy of each bill, and each
469 page thereof, to ensure its identification as the item
470 introduced in order to prevent unauthorized or improper
471 substitutions therefor.

472

473 5.13--Companion Measures

474 A companion Senate bill must be substantially similar in
475 wording, and identical as to specific intent and purpose, to the
476 House bill for which it is being substituted. Whenever a House

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477 bill is reached on the floor for consideration, either on second
 478 or third reading, and there is also pending on the Calendar of
 479 the House a companion bill already passed by the Senate, it
 480 shall be in order to move that the Senate companion bill be
 481 substituted and considered in lieu of the House bill. Such
 482 motion may be adopted by a majority vote, provided the Senate
 483 bill is on the same reading; otherwise, the motion shall be to
 484 waive the rules by a two-thirds vote and substitute such Senate
 485 bill. At the moment the House substitutes the Senate companion
 486 bill or takes up a Senate bill in lieu of a House bill, the
 487 House bill so replaced shall be automatically tabled.

488
 489 RULE SIX
 490 REFERENCE

491
 492 6.1--Speaker to Refer Legislation

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

495
 496 6.2--Reference: Generally

497 (a) Bills, upon filing or introduction, whether House or
 498 Senate, may be referred by the Speaker to a council or to the
 499 Calendar of the House. The order of reference shall be
 500 determined by the Speaker.

501 (b) References of bills and the nature of any documents
 502 referred shall be recorded in the *Journal*.

503
 504 6.3--Reference: Exception; Additional References

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505 (a) A Senate bill with a House companion may be paired
 506 with the companion House bill at whatever its stage of
 507 consideration, provided both bills are on the same reading.

508 (b) If a bill is reported with a council substitute that
 509 contains an issue that was not in the original bill and such
 510 issue is within the jurisdiction of another council, the Speaker
 511 may refer the bill to the other council having jurisdiction over
 512 the additional subject and, if given an additional reference,
 513 such bill shall be considered by the new council of reference
 514 before its consideration by any remaining fiscal council of
 515 reference.

516

517 6.4--Reference of Resolutions, Concurrent Resolutions: Exception
 518 Resolutions on House organization and concurrent resolutions
 519 pertaining to extension of the session may be taken up upon
 520 motion and adopted at the time of introduction without
 521 reference.

522

523 6.5--Appropriations or Tax Measures: Withdrawal from Policy &
 524 Budget Council; Additional Reference

525 (a) A bill in the possession of the Policy & Budget
 526 Council that has been amended by report from a council of
 527 previous reference to remove its fiscal impact may be withdrawn
 528 from the Policy & Budget Council on a point of order raised by
 529 the Chair or Vice Chair of the Policy & Budget Council.

530 (b) If an amendment adopted on the floor of the House
 531 affects an appropriation or a tax matter, upon a point of order
 532 made by the Chair or Vice Chair of the Policy & Budget Council,

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533 | the bill may be referred by the Speaker with the amendment to an
 534 | appropriate council. If the bill, as amended on the floor, is
 535 | reported favorably without further amendment, it shall be
 536 | returned to the same reading as when referred. If the bill, as
 537 | amended on the floor, is reported favorably with further
 538 | amendment, it shall be returned to second reading.

539

540 | 6.6--Reference of Veto Messages

541 | The Speaker may refer veto messages to the appropriate council
 542 | for a recommendation.

543

544 | 6.7--Council Chair May Refer to Committee

545 | The chair of a council, after receipt of a referred bill, may
 546 | refer the bill to one or more committees within the council or
 547 | retain the bill in the council. The chair can revoke a committee
 548 | reference at any time, except that, if the committee has noticed
 549 | the matter for a hearing, the reference may not be revoked until
 550 | after such hearing, provided the committee does not report the
 551 | bill. All committee references and revocations by council chairs
 552 | shall be recorded in the *Journal* as other references.

553

554 | RULE SEVEN

554

555 | COUNCILS AND COMMITTEES

555

556

557 | Part One--Organization

557

558

559 | 7.1--Standing Councils and Committees

560 | (a) The following standing councils, and the standing

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561 committees within their respective jurisdictions, are
 562 established:

- 563 (1) Economic Expansion & Infrastructure Council.
 - 564 a. Committee on Economic Development.
 - 565 b. Committee on Ethics & Elections.
 - 566 c. Committee on Infrastructure.
 - 567 d. Committee on Tourism & Trade.
- 568 (2) Environment & Natural Resources Council.
 - 569 a. Committee on Agribusiness.
 - 570 b. Committee on Conservation & State Lands.
 - 571 c. Committee on Energy.
 - 572 d. Committee on Environmental Protection.
- 573 (3) Government Efficiency & Accountability Council.
 - 574 a. Committee on Audit & Performance.
 - 575 b. Committee on Military & Veterans' Affairs.
 - 576 c. Committee on State Affairs.
 - 577 d. Committee on Urban & Local Affairs.
- 578 (4) Healthcare Council.
 - 579 a. Committee on Health Innovation.
 - 580 b. Committee on Health Quality.
 - 581 c. Committee on Healthy Families.
 - 582 d. Committee on Healthy Seniors.
- 583 (5) Jobs & Entrepreneurship Council.
 - 584 a. Committee on Business Regulation.
 - 585 b. Committee on Financial Institutions.
 - 586 c. Committee on Insurance.
 - 587 d. Committee on Utilities & Telecommunications.
- 588 (6) Policy & Budget Council.

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- 589 (7) Rules & Calendar Council.
- 590 (8) Safety & Security Council.
- 591 a. Committee on Constitution & Civil Law.
- 592 b. Committee on Courts.
- 593 c. Committee on Homeland Security & Public Safety.
- 594 d. Committee on Juvenile Justice.
- 595 (9) Schools & Learning Council.
- 596 a. Committee on Education Innovation & Career Preparation.
- 597 b. Committee on K-12.
- 598 c. Committee on Postsecondary Education.
- 599 d. Committee on 21st Century Competitiveness.

600 (b) For purposes of these rules, the term "committee"
 601 includes council and subcommittee, except where the context
 602 indicates otherwise.

603

604 7.2--Council and Committee Appointments

605 The Speaker shall appoint the chair, the vice chair, and any co-
 606 chairs deemed necessary as well as all members for each standing
 607 House council and committee. The Speaker shall appoint the House
 608 chair and all House members of each conference committee, joint
 609 committee, and joint select committee created by agreement of
 610 the House and Senate or of the Speaker and the Senate President.
 611 The Speaker shall give notice of each such appointment in
 612 writing to the Chief Clerk for publication. The Minority Leader
 613 may make recommendations to the Speaker regarding the
 614 appointment of Minority Conference members to councils and
 615 committees. The Minority Leader may also name a member of any
 616 council or committee as "ranking member," subject to the

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617 approval of the Speaker.

618

619 7.3--Powers of the Chair

620 A council or committee chair has authority to sign all notices,
621 vouchers, and reports required or permitted by these rules. The
622 chair has authority to sign all subpoenas issued under these
623 rules. The chair has all authority necessary to ensure the
624 orderly operation of the council or committee, including, but
625 not limited to, presiding over meetings, establishing each
626 meeting agenda, determining the order in which matters are to be
627 taken up, recognizing members or presenters, and deciding
628 questions of order. Decisions on questions of order may be
629 appealed pursuant to Rule 2.3(b), but there shall be no appeal
630 of the chair's recognition.

631

632 7.4--Absence of the Chair

633 In the absence of the chair and all co-chairs, the vice chair,
634 if any, shall assume the duty to convene and preside over
635 meetings and such other duties as the Speaker may assign, unless
636 a temporary chair has been appointed by the Speaker. During a
637 meeting properly convened, the presiding chair, vice chair, or
638 temporary chair may temporarily assign the duty to preside at
639 that meeting to another council or committee member until the
640 assignment is relinquished or revoked.

641

642 7.5--Term of Appointment

643 All standing council or committee chairs, vice chairs, and
644 members serve at the pleasure of the Speaker. Ranking members

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645 | serve at the pleasure of the Minority Leader. All standing
646 | council and committee appointments shall be made by the Speaker
647 | prior to the convening of each regular session and shall expire
648 | on August 1 of odd-numbered years or, if the Legislature is
649 | convened in special or extended session on that date, upon
650 | adjournment sine die of such session.

651

652 | 7.6--Creation of Select Committees

653 | At any time, the Speaker may create a select committee and shall
654 | appoint the membership and name the chair and vice chair. A
655 | select committee may include the entire membership of the House.
656 | A select committee has the jurisdiction, authority, and powers
657 | and duties assigned to it by the Speaker and exists for the
658 | period of time specified by the Speaker. The Speaker shall give
659 | written notice of the creation of a select committee to the
660 | Chief Clerk.

661

662 | 7.7--*Ex Officio* Members

663 | The Speaker may designate the Speaker pro tempore or the
664 | Majority Leader as an *ex officio*, voting member of any council.
665 | The designation shall be made in writing addressed to the chair
666 | of the council. The chair of the council may sit, *ex officio*, as
667 | an additional voting member of a committee within the council.
668 | Only one *ex officio* member may sit and vote at a time on any one
669 | council or committee.

670

671 | 7.8--Meetings of Councils and Committees

672 | Councils and committees shall meet only within the dates, times,

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673 and locations designated or authorized by the Speaker. Councils
674 shall meet at the call of the chair. Committees shall meet at
675 the call of the chair, provided that a committee within a
676 council shall meet only with the approval of the council chair.
677 Subcommittees shall meet at the call of the chair.

678

679 7.9--Consideration of Proposed Council Bills

680 Before a standing council may consider a proposed council bill,
681 the chair shall submit a written request to the Speaker for
682 approval. After a proposed council bill is approved, a council
683 chair may assign the proposal to any committee within that
684 council for recommendations. In introducing a proposed council
685 bill, the chair must designate a member of the council or a
686 member of a committee within that council as first-named
687 cosponsor, with the approval of such member.

688

689 7.10--Conference Committees

690 (a) The Speaker shall determine the number of House
691 managers needed for all conference committees. A conference
692 committee report shall require the affirmative votes of a
693 majority of the managers on the part of each house. Such reports
694 may recommend action on amendments previously adopted by the
695 House or Senate, recommend action on additional compromise
696 amendments, or offer an amendment deleting everything after the
697 enacting clause. New amendments recommended by the conference
698 committee shall accompany the report.

699 (b) The receiving of conference committee reports shall
700 always be in order, except when the House is voting on any

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701 proposition. When a conference committee report is presented to
702 the House, the procedure shall be:

703 (1) First to vote on a motion to accept the report in its
704 entirety. The motion shall not be subject to amendment. If this
705 vote fails, the report shall be automatically recommitted to the
706 conference committee.

707 (2) If the report is accepted, the final vote shall be a
708 roll call on the passage of the bill as amended by the report.

709 (c) When House managers report inability of a conference
710 committee to agree, no action of the House taken prior to such
711 appointment shall preclude further action by the House as the
712 House may determine.

713

714 Part Two--Procedures in Councils and Committees

715

716 7.11--Scheduling Council and Committee Meetings

717 (a) NOTICE OF COUNCIL AND COMMITTEE MEETINGS. Any council
718 or committee meeting to be held for the purpose of considering
719 legislation must be noticed. The council or committee
720 administrative assistant shall provide electronic or paper
721 copies of the notice to the Chief Clerk for publication and to
722 the House Majority Office, the House Minority Office, the
723 members of the council or committee, and the first-named sponsor
724 of each bill noticed.

725 (b) CONTENT OF MEETING NOTICE. The notice shall state the
726 date, time, and place of the meeting and, for each bill to be
727 considered, the bill or proposed bill number and a portion of
728 the title sufficient for identification. Except as provided

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729 | below with respect to council substitutes and bills retained on
730 | reconsideration under Rules 7.16 and 7.19, only such bills as
731 | are included on the written notice of a council or committee
732 | meeting may be considered at that meeting.

733 | (c) PROPOSED BILLS TO BE AVAILABLE. A copy of each
734 | proposed bill noticed for consideration must be available to
735 | each council or committee member no later than the time of
736 | providing notice of the meeting.

737 | (d) NOTICE DEADLINE BETWEEN SESSIONS. During the period
738 | when the Legislature is not in session, before any council or
739 | committee holds a meeting for the purpose of considering
740 | legislation a notice of such meeting shall be provided no later
741 | than 4:30 p.m. of the 7th day before the meeting.

742 | (e) NOTICE DEADLINES DURING SESSIONS. During the first 45
743 | days of a regular session, notice shall be provided no later
744 | than 4:30 p.m. of the 2nd day (excluding Saturdays, Sundays, and
745 | official state holidays) before the council or committee meeting
746 | for the purpose of considering legislation. After the 45th day
747 | of a regular session and during any extended or special session,
748 | the notice shall be provided no later than 2 hours before the
749 | council or committee meeting.

750 | (f) NOTICE OF NOT MEETING. If a council is authorized and
751 | scheduled for a meeting by the Speaker but does not plan to
752 | meet, a notice stating that no meeting will be held shall be
753 | provided in the time and manner of noticing a meeting. A council
754 | may include in its meeting notice a notation indicating
755 | committees in the council that will not be meeting during the
756 | authorized time. A committee must only notice "Not Meeting" if

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757 the committee has been specifically authorized and scheduled for
 758 a meeting by the Speaker and does not plan to meet.

759 (g) AMENDED NOTICE AND CANCELLATION. At any time prior to
 760 a noticed meeting, a bill or other item may be removed from a
 761 meeting notice or the meeting may be cancelled by providing an
 762 amended notice.

763 (h) CHIEF CLERK DUTIES. The Chief Clerk shall promptly
 764 publish the content of meeting notices in accordance with
 765 policies approved by the Speaker.

766 (i) CONTINUATION AFTER NOTICED TIME. If the majority of
 767 council or committee members present agree, a council or
 768 committee may continue the consideration of properly noticed
 769 legislation after the expiration of the time called for the
 770 meeting or may temporarily recess to continue the meeting at a
 771 time and place certain on the same day. However, a council or
 772 committee may not meet beyond the time authorized or in a place
 773 not authorized by the Speaker without special leave granted by
 774 the Speaker. Furthermore, a committee within a council may not
 775 meet beyond the time authorized by its council chair without
 776 special leave granted by the council chair.

777 (j) RULES & CALENDAR COUNCIL EXEMPT FROM NOTICE DEADLINE.
 778 The Rules & Calendar Council shall be exempt from the notice
 779 deadlines of this rule except when meeting to consider the
 780 substance of legislation.

781

782 7.12--Amendment Deadlines in Council and Committee
 783 Amendments may be offered in any council or committee by any
 784 member of the House provided that an amendment by a member who

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785 | is not a member of the council or committee considering the bill
786 | shall be filed by 6 p.m. of the day (excluding Saturdays,
787 | Sundays, and official state holidays) prior to the council or
788 | committee meeting or 1 hour prior to the time for the meeting
789 | set in the notice if less than 24 hours' notice of consideration
790 | of the bill is provided.

791

792 | 7.13--Quorum of Council or Committee

793 | A majority of any council's or committee's members shall
794 | constitute a quorum necessary for the transaction of business.
795 | An *ex officio* member shall not be counted for purposes of
796 | determining a quorum.

797

798 | 7.14--Meeting during House Sessions

799 | No council or committee shall meet while the House is in session
800 | without special leave of the Speaker.

801

802 | 7.15--Voting in Council or Committee

803 | (a) Every vote on final consideration of a bill in council
804 | or committee shall be taken by the yeas and nays, and the names
805 | of the members voting for and against, as well as the names of
806 | members absent, shall be recorded on the council or committee
807 | report. Upon the request of any two members, the vote of each
808 | member shall be recorded on any other question and all such
809 | votes shall be reported with the council or committee report.

810 | (b) Absent members may submit an indication of how they
811 | would have voted had the member been present, but this shall not
812 | be counted on a roll call. Such votes after roll call shall be

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813 attached to the council or committee report when filed.

814

815 7.16--Reconsideration in Council or Committee

816 A motion for reconsideration in council or committee shall be
817 treated in the following manner:

818 (a) When a main question has been decided by a council or
819 committee, any member voting with the prevailing side, or any
820 member when the vote was a tie, may move for reconsideration.

821 (b) Any member voting on the prevailing side on passage or
822 defeat of a bill may, as a matter of right, serve notice that
823 the bill should be retained through the next council or
824 committee meeting for the purpose of reconsideration. Such
825 notice by an individual member may be set aside by adoption of a
826 motion to report the bill immediately, which shall require a
827 two-thirds vote. No bill may be retained under this provision
828 after the 40th day of a regular session or during any extended
829 or special session.

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

833 (d) If a bill has been retained under subsection (b), any
834 member may move for its reconsideration at the next meeting of
835 the council or committee.

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

840 (f) If a bill is not retained under subsection (b), it

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841 shall be promptly reported to the Chief Clerk.

842

843 7.17--Reports on Bills

844 A council may report a House bill unfavorably, favorably, or
845 favorably with a council substitute. A council may report a
846 Senate bill favorably, favorably with one or more amendments, or
847 unfavorably. A standing committee may report a bill unfavorably,
848 favorably, favorably with one or more amendments, or, in the
849 case of a House bill, favorably with recommended council
850 substitute. A bill may not be reported without recommendation. A
851 motion to lay a bill on the table shall be construed as a motion
852 to report the bill unfavorably.

853

854 7.18--Bill Reported Unfavorably by a Committee within a Council
855 A bill reported unfavorably by a committee within a council
856 shall also be reported unfavorably by the council following the
857 next meeting of the council unless the council, at such meeting,
858 by a majority vote approves a motion to take the bill from the
859 table. If the motion is approved, the council chair may further
860 refer the bill or, if properly noticed, the council may proceed
861 to consider the bill.

862

863 7.19--Council Substitutes

864 A council may introduce a council substitute embracing the same
865 general subject matter of one or more bills in possession of the
866 council. If the original bill or bills are noticed, no further
867 notice is required. If a proposed council substitute is noticed
868 in the manner required for a proposed council bill, the original

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869 bill or bills need not be noticed. Upon the reporting of a
870 council substitute, the original bill or bills shall be laid on
871 the table of the House. A council substitute shall be read a
872 first time and be subject to referral by the Speaker on the day
873 it is reported by the council provided it is approved for filing
874 by 6 p.m., or no later than the following day (excluding
875 Saturdays, Sundays, and official state holidays) if approved for
876 filing after 6 p.m. A committee within a council may recommend,
877 but may not introduce, a council substitute.

878

879 7.20--Subpoena Powers

880 The standing councils and committees of the House may exercise
881 subpoena power and issue other necessary legal process pursuant
882 to Rule 16.1.

883

884 7.21--Administration of Oaths

885 Whenever desired by a council or committee, the chair or any
886 other member of the council or committee may administer oaths
887 and affirmations in the manner prescribed by law to any witness
888 appearing before such council or committee for the purpose of
889 testifying in any matter about which such council or committee
890 may require sworn testimony, provided the record of a statement
891 made under oath in council or committee may not be used to
892 controvert a factual determination of the Legislature.

893

894 7.22--Procedure in Conference Committees

895 Conference committee meeting notices shall be published not less
896 than 2 hours prior to the time scheduled for the meeting,

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897 provided that after the 50th day of the regular session and
 898 during any extended or special session the notice period shall
 899 be 1 hour prior to the time scheduled for the meeting. Each
 900 conference committee may determine its own procedures and select
 901 a member to preside, provided a majority of managers of each
 902 house agree.

903

904 7.23--Open Meetings; Decorum

905 (a) All meetings of councils and committees shall be open
 906 to the public at all times, subject always to the authority of
 907 the chair to maintain order and decorum; however, when
 908 reasonably necessary for security purposes or the protection of
 909 a witness, a chair, with the concurrence of the Speaker and the
 910 Minority Leader, may close a meeting or portion thereof, and the
 911 record of such meeting may not disclose the identity of any
 912 witness appearing before the council or committee during a
 913 closed session.

914 (b) The chair shall exercise all authority necessary to
 915 maintain order and decorum, including the authority to require
 916 all persons attending a council or committee meeting to silence
 917 all audible electronic equipment.

918

919 Part Three--Oversight Powers and Responsibilities

920

921 7.24--Oversight Powers and Responsibilities of Standing Councils
 922 and Committees

923 (a) Each standing council and committee is authorized to
 924 exercise all powers authorized for committees pursuant to s.

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925 11.143, Florida Statutes, to carry out oversight
 926 responsibilities within its respective subject matter
 927 jurisdiction. For purposes of this rule, the Speaker shall
 928 determine the subject matter jurisdiction of each council and
 929 committee.

930 (b) Select committees shall exercise committee powers
 931 authorized by s. 11.143, Florida Statutes, whenever specifically
 932 authorized in writing by the Speaker.

933 (c) Each council and committee shall exercise other
 934 oversight powers and responsibilities vested in the House
 935 whenever specifically authorized by the Speaker.

936 (d) Each council and committee shall conduct other
 937 business as directed by the Speaker.

938

939 RULE EIGHT

940 DEBATE AND CHAMBER PROTOCOL

941

942 Part One--Privilege of the Floor

943

944 8.1--Privilege of the Floor

945 (a) MEMBERS' ACCESS. Members of the House shall have the
 946 exclusive right to enter the Chamber during sessions, and no
 947 other person shall be admitted unless granted privilege of the
 948 floor as provided below.

949 (b) PRIVILEGED GUESTS. The Governor, the Lieutenant
 950 Governor, the Chief Financial Officer, the Attorney General, the
 951 Commissioner of Agriculture, members of the Senate, Justices of
 952 the Supreme Court, former members of the House, the Doctor of

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953 the Day, and the Guest Chaplain are granted the privilege of the
 954 floor; however, no registered lobbyist may be so admitted.

955 (c) EMPLOYEES' ADMISSION. House employees may be admitted
 956 to the Chamber as determined by the Speaker.

957 (d) OTHER GUESTS. Other guests may be granted the
 958 privilege of the floor by the Speaker or by the House.

959 (e) RESTRICTIONS ON NON-MEMBERS. Persons granted the
 960 privilege of the floor may not lobby the members while the House
 961 is in session, unless granted leave to address the House.

962 (f) SESSION ATTIRE. When the House is in session, all
 963 persons in the Chamber shall be dressed in proper business
 964 attire.

965
 966 Part Two--Speaking

967
 968 8.2--Addressing the House; Requirements to Spread Remarks Upon
 969 the *Journal*

970 (a) When a member desires to speak or deliver any matter
 971 to the House, the member shall rise and respectfully address the
 972 Speaker as "Mr. (or Madam) Speaker" and shall confine all
 973 remarks to the question under debate, avoiding personalities.
 974 Once recognized, a member may speak from the member's desk or
 975 may, with the Speaker's permission, speak from the well.

976 (b) Any motion to spread remarks upon the *Journal*, except
 977 those of the Governor or the Speaker, shall be referred to the
 978 Chair of the Rules & Calendar Council for recommendation before
 979 being put to the House.

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981 8.3--When Two Members Rise at Once

982 When two or more members rise at once, the Speaker shall name
 983 the one who is to speak first. This decision shall be final and
 984 not open to debate or appeal.

985

986 8.4--Recognition of Members

987 There shall be no appeal of the Speaker's recognition, but the
 988 Speaker shall be governed by the rules and usage in priority of
 989 entertaining motions from the floor. When a member seeks
 990 recognition, the Speaker may ask, "For what purpose does the
 991 member rise?" or "For what purpose does the member seek
 992 recognition?"

993

994 8.5--Recognition of Gallery Visitors and Doctor of the Day

995 On written request by a member, on a form prescribed by the
 996 Chief Clerk, the Speaker may recognize or permit the member to
 997 recognize any person or persons in the gallery. After granting a
 998 request for recognition, the Speaker shall afford that
 999 recognition at a convenient place in the order of business,
 1000 considering the need for order and decorum and the need for
 1001 continuity of debate. At an appropriate time during proceedings
 1002 on the floor, the Speaker may recognize a Doctor of the Day.

1003

1004 Part Three--Debate

1005

1006 8.6--Decorum

1007 The members shall attend to the debates unless necessarily
 1008 prevented, and no member shall stand between the Speaker and a

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1009 member recognized to speak.

1010

1011 8.7--Speaking and Debate; Right to Close

1012 (a) A member may not speak more than once nor occupy more
 1013 than 15 minutes in debate on any question. A member who has the
 1014 floor may not be interrupted by another member for any purpose,
 1015 save the privilege of the House, unless he or she consents to
 1016 yield to the other member. A member desiring to interrupt
 1017 another in debate should first address the Speaker for the
 1018 permission of the member speaking. The Speaker shall then ask
 1019 the member who has the floor if he or she wishes to yield and
 1020 shall then announce the decision of that member. Whether to
 1021 yield shall be entirely within the speaking member's discretion.
 1022 This subsection shall not, however, deprive the first-named
 1023 sponsor or mover of the right to close when the effect of an
 1024 amendment or motion would be to foreclose favorable action on
 1025 the bill, amendment, or motion.

1026 (b) Debate may not be disguised in the form of a question.

1027

1028 8.8--Right to Open and Close Debate

1029 The member presenting a motion shall have the right to open and
 1030 close the debate and, for this purpose, may speak each time up
 1031 to 10 minutes, unless otherwise limited by majority vote of the
 1032 House, notwithstanding the limitation in Rule 8.7(a).

1033

1034 Part Four--Materials and Meals in Chamber

1035

1036 8.9--Distribution of Materials in Chamber; Meals in Chamber

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1037 (a) The following constitutes policy regarding material
 1038 distributed to the general membership through the Sergeant at
 1039 Arms' Office and pages:

1040 (1) All material prior to such distribution must be
 1041 approved by the Chair of the Rules & Calendar Council.

1042 (2) The following official materials are approved: House
 1043 and Senate bills, resolutions, memorials, and amendments
 1044 thereto, and official calendars and journals; council and
 1045 committee meeting notices; communications from the Speaker and
 1046 Chief Clerk and official communications from the Senate; and
 1047 official staff reports of standing or select councils or
 1048 committees or of the majority or minority party.

1049 (b) Meals will not be allowed on the floor without
 1050 concurrence of a majority vote. This shall not be construed to
 1051 prevent the serving of drinks such as juices, coffee, tea, soft
 1052 drinks, milk, and the like.

1053

1054 Part Five--Miscellaneous Papers

1055

1056 8.10--Miscellaneous Papers

1057 Papers of a miscellaneous nature addressed to the House may, at
 1058 the discretion of the Speaker, be read, noted in the *Journal*, or
 1059 filed with the appropriate council or committee. When the
 1060 reading of a paper other than one upon which the House is called
 1061 to give a final vote is demanded and such reading is objected to
 1062 by any member, whether the paper shall be read shall be
 1063 determined without debate by the House by a majority vote.

1064

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1065 RULE NINE

1066 VOTING

1067

1068 9.1--Members Shall Vote

1069 Every member shall be within the Chamber during its sittings,
1070 unless excused or necessarily prevented, and shall vote on each
1071 question put.

1072

1073 9.2--Taking the Yeas and Nays

1074 The Speaker shall declare all votes, but if any member rises to
1075 doubt a vote, upon a showing of hands by five members, the
1076 Speaker shall take the sense of the House by oral or electronic
1077 roll call. When taking the yeas and nays on any question, the
1078 electronic roll-call system may be used and when so used shall
1079 have the force and effect of a roll call taken as provided in
1080 these rules. This system likewise may be used to determine the
1081 presence of a quorum. When the House is ready to vote upon a
1082 question requiring roll call, and the vote is by electronic roll
1083 call, the Speaker shall say, "The question now recurs on
1084 (designating the matter to be voted upon). The Chief Clerk will
1085 unlock the machine and the House will proceed to vote." When
1086 sufficient time has elapsed for each member to vote, the Speaker
1087 shall ask, "Have all members voted?" After a short pause, the
1088 Speaker shall say, "The Chief Clerk will lock the machine and
1089 record the vote." When the vote is completely recorded, the
1090 Speaker shall announce the result to the House, and the Chief
1091 Clerk shall record the action upon the *Journal*.

1092

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1093 9.3--Vote of the Speaker or Temporary Presiding Officer
 1094 The Speaker or temporary presiding officer is not required to
 1095 vote in legislative proceedings other than on final passage of a
 1096 bill, except when the Speaker's or temporary presiding officer's
 1097 vote would be decisive. In all yea and nay votes, the Speaker's
 1098 or temporary presiding officer's name shall be called last. With
 1099 respect to voting, the Speaker or temporary presiding officer is
 1100 subject to the same disqualification and disclosure requirements
 1101 as any other member.

1102
 1103 9.4--Votes After Roll Call; Finality of a Roll Call Vote
 1104 (a) After the result of a roll call has been announced, a
 1105 member may submit to the Chief Clerk an indication of how the
 1106 member would have voted or would have voted differently. The
 1107 Chief Clerk shall provide forms for the recording of these
 1108 actions. When timely made, these requests shall be shown beneath
 1109 the roll call in the *Journal*. Otherwise, the request shall be
 1110 shown separately in the *Journal*.

1111 (b) In no instance, other than by reason of an electronic
 1112 or mechanical malfunction, shall the result of a voting machine
 1113 roll call on any question be changed.

1114
 1115 9.5--No Member to Vote for Another Except by Request
 1116 (a) No member may vote for another member except at the
 1117 other member's specific request when absent from his or her seat
 1118 but present elsewhere in the Chamber, nor may any person who is
 1119 not a member cast a vote for a member.

1120 (b) In no case shall a member vote for another on a quorum

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1121 call.

1122 (c) Any member who votes or attempts to vote for another
 1123 member in violation of this rule may be disciplined in such a
 1124 manner as the House may deem proper.

1125 (d) Any person who is not a member and who votes in the
 1126 place of a member shall be subject to such discipline as the
 1127 House may deem proper.

1128

1129 9.6--Explanation of Vote

1130 A member may not explain his or her vote during a roll call, but
 1131 may reduce his or her explanation to writing, in not more than
 1132 200 words in an electronic format. Upon being filed with the
 1133 Chief Clerk, this explanation shall be spread upon the *Journal*.

1134

1135 RULE TEN

1136 ORDER OF BUSINESS AND CALENDARS

1137

1138 Part One--Order of Business

1139

1140 10.1--Daily Sessions

1141 The House shall meet each legislative day at 9 a.m. or as stated
 1142 in the motion adjourning the House on the prior legislative day
 1143 on which the House met.

1144

1145 10.2--Daily Order of Business

1146 (a) When the House convenes on a new legislative day, the
 1147 daily order of business shall be as follows:

1148 (1) Call to Order.

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- 1149 (2) Prayer.
- 1150 (3) Roll Call.
- 1151 (4) Pledge of Allegiance.
- 1152 (5) Correction of the *Journal*.
- 1153 (6) Communications.
- 1154 (7) Messages from the Senate.
- 1155 (8) Reports of Standing Councils.
- 1156 (9) Reports of Select Committees.
- 1157 (10) Motions Relating to Council and Committee References.
- 1158 (11) Matters on Reconsideration.
- 1159 (12) Bills and Joint Resolutions on Third Reading.
- 1160 (13) Special Orders.
- 1161 (14) House Resolutions.
- 1162 (15) Unfinished Business.
- 1163 (16) Introduction and Reference.

1164 (b) During special sessions, the order of business of
 1165 Introduction and Reference shall be called for immediately
 1166 following the order of business of Correction of the *Journal*.

1167 (c) Within each order of business, matters shall be
 1168 considered in the order in which they appear on the daily
 1169 printed Calendar of the House.

1170 (d) After the 45th day of a regular session, by a majority
 1171 vote, the House may, on motion of the Chair or Vice Chair of the
 1172 Rules & Calendar Council, move to Communications, Messages from
 1173 the Senate, Bills and Joint Resolutions on Third Reading, or
 1174 Special Orders. The motion may provide which matter on such
 1175 order of business may be considered.

1176

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1177 10.3--Chaplain to Offer Prayer

1178 A chaplain shall attend at the beginning of each day's sitting
 1179 of the House and open the same with prayer. In the absence of a
 1180 chaplain, the Speaker may designate someone else to offer
 1181 prayer.

1182
 1183 10.4--Quorum

1184 A majority of the membership of the House shall constitute a
 1185 quorum to conduct business.

1186
 1187 10.5--Consideration of Senate Messages: Generally
 1188 Senate messages may be considered by the House at the time and
 1189 in the order determined by the Speaker.

1190
 1191 Part Two--Readings

1192
 1193 10.6--"Reading" Defined

1194 "Reading" means the stage of consideration of a bill,
 1195 resolution, or memorial after reading of a portion of the title
 1196 sufficient for identification, as determined by the Speaker.

1197
 1198 10.7--Reading of Bills and Joint Resolutions

1199 Each bill and each joint resolution shall be read on 3 separate
 1200 days prior to a vote upon final passage unless this rule is
 1201 waived by a two-thirds vote, provided the publication of a bill
 1202 or joint resolution by its title in the *Journal* shall satisfy
 1203 the requirements of first reading.

1204

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1205 10.8--Reading of Concurrent Resolutions and Memorials
 1206 Concurrent resolutions and memorials shall be read on 2 separate
 1207 days prior to a voice vote upon adoption, except that concurrent
 1208 resolutions extending a legislative session or involving other
 1209 procedural legislative matters may be read twice without motion
 1210 on the same legislative day.

1211
 1212 10.9--Reading of House Resolutions

1213 (a) A House resolution shall receive two readings by title
 1214 only prior to a voice vote upon adoption.

1215 (b) Ceremonial resolutions may be shown as read and
 1216 adopted by publication in full in the *Journal* in accordance with
 1217 Rule 10.16.

1218
 1219 10.10--Measures on Third Reading

1220 (a) Bills on third reading shall be taken up in the order
 1221 in which the House concluded action on them on second reading.

1222 (b) Before any bill shall be read the third time, whether
 1223 amended or not, it shall be referred without motion to the
 1224 Engrossing Clerk for examination and, if amended, the engrossing
 1225 of amendments. In the case of any Senate bill amended in the
 1226 House, the amendment adopted shall be reproduced and attached to
 1227 the bill amended in such manner that it will not be lost
 1228 therefrom.

1229 (c) A bill shall be deemed on its third reading when it
 1230 has been read a second time on a previous day and has no motion
 1231 left pending.

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Part Three--Calendars

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10.11--Special Order Calendar

(a) REGULAR SESSION

(1) The Rules & Calendar Council shall periodically submit, as needed, a Special Order Calendar determining the sequence for consideration of legislation. The Special Order Calendar may include bills on second reading, bills on unfinished business, resolutions, and specific sections for local bills, trust fund bills, and bills to be taken up at a time certain. Upon adoption of a Special Order Calendar, no other bills shall be considered for the time period set forth for that Special Order Calendar, except that any bill appearing on that Special Order Calendar may be stricken from it by a majority vote or any bill may be added to it pursuant to Rule 10.12. A previously adopted Special Order Calendar shall expire upon adoption by the House of a new Special Order Calendar.

(2) Any council, committee, or member may apply in writing to the Chair of the Rules & Calendar Council to place a bill on the Special Order Calendar. The Rules & Calendar Council may grant such requests by a majority vote.

(3) During the first 55 days of a regular session, the Special Order Calendar shall be published in two Calendars of the House, and it may be taken up on the day of the second published Calendar. After the 55th day of a regular session, the Special Order Calendar shall be published in one Calendar of the House and may be taken up on the day the Calendar is published.

(b) EXTENDED OR SPECIAL SESSION

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1261 (1) If the Legislature extends a legislative session, all
 1262 bills on the Calendar of the House at the time of expiration of
 1263 the regular session shall be placed in the Rules & Calendar
 1264 Council.

1265 (2) During any extended or special session, all bills upon
 1266 being reported favorably by the last council of reference shall
 1267 be placed in the Rules & Calendar Council.

1268 (3) During any extended or special session, the Rules &
 1269 Calendar Council shall establish a Special Order Calendar and
 1270 only those bills on such Special Order Calendar shall be placed
 1271 on the Calendar of the House.

1272 (4) During any extended or special session, the Special
 1273 Order Calendar shall be published in one Calendar of the House
 1274 and bills thereon may be taken up on the day the Calendar is
 1275 published.

1276 (c) SPECIAL FLOOR PROCEDURES. Upon the joint
 1277 recommendation of the Majority Leader and the Minority Leader,
 1278 the Rules & Calendar Council may recommend special floor
 1279 procedures for the management of amendments and debate on a
 1280 particular bill, on second and third readings, which procedures
 1281 may include limitations on amendments and debate. Such
 1282 procedures may not be implemented unless approved by a majority
 1283 vote in session.

1284
 1285 10.12--Consideration of Bills Not on Special Order
 1286 A bill not included on the Special Order Calendar may be
 1287 considered by the House upon a two-thirds vote.
 1288

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1289 10.13--Consent Calendar

1290 The Rules & Calendar Council may submit Consent Calendar
 1291 procedures to expedite the consideration of noncontroversial
 1292 legislation.

1293

1294 10.14--Requirements for Placement on Special Order

1295 No measure may be placed on a Special Order Calendar until it
 1296 has been reported favorably by each council of reference and is
 1297 available for consideration on the floor.

1298

1299 10.15--Informal Deferral of Bills

1300 Whenever the member who introduced a bill or the first-named
 1301 member sponsor of a council bill is absent from the Chamber when
 1302 the bill has been reached in the regular order on second or
 1303 third reading, consideration shall be informally deferred until
 1304 such member's return, unless another member consents to offer
 1305 the bill on behalf of the original member. The bill shall retain
 1306 its position on the Calendar of the House during the same
 1307 legislative day. The member shall have the responsibility of
 1308 making the motion for its subsequent consideration.

1309

1310 Part Four--Ceremonial Resolutions

1311

1312 10.16--Ceremonial Resolutions Published in *Journal*

1313 Upon approval of the Chair of the Rules & Calendar Council, a
 1314 ceremonial resolution may be shown as read and adopted by
 1315 publication in full in the *Journal*. The Rules & Calendar Council
 1316 shall distribute a list of such resolutions 1 day (excluding

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1317 Saturdays, Sundays, and official state holidays) prior to the
 1318 day of their publication, during which time any member may file
 1319 an objection with the Rules & Calendar Council to any resolution
 1320 listed. Each resolution for which an objection has been filed
 1321 shall be removed from the list and placed on the Calendar of the
 1322 House. All resolutions without objections shall be printed on
 1323 the next legislative day in the *Journal* and considered adopted
 1324 by the House.

1325

1326 Part Five--Procedural Limitations in Final Week

1327

1328 10.17--Consideration Limits to Bills After Day 55

1329 After the 55th day of a regular session, no House bills on
 1330 second reading may be taken up and considered by the House.

1331

1332 10.18--Consideration Limits After Day 58

1333 After the 58th day of a regular session, the House may consider
 1334 only:

- 1335 (a) Senate messages.
- 1336 (b) Conference reports.
- 1337 (c) Concurrent resolutions.

1338

1339 RULE ELEVEN

1340

MOTIONS

1341

1342 11.1--Motions; How Made

1343 Every motion shall be made orally, except when requested by the
 1344 Speaker to be reduced to writing.

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11.2--Precedence of Motions During Debate

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

- (1) To adjourn at a time certain.
- (2) To adjourn.
- (3) To recess to a time certain.
- (4) To lay on the table.
- (5) To reconsider.
- (6) For the previous question.
- (7) To limit debate.
- (8) To temporarily postpone.
- (9) To postpone to a time or day certain.
- (10) To refer to or to recommit to council or committee.
- (11) To amend.
- (12) To amend by removing the enacting or resolving

clause.

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

11.3--Questions of Order Decided Without Debate

All procedural questions of order arising after a motion is made for any of the motions named in Rule 11.2 and pending that motion shall be decided by the Speaker without debate, whether on appeal or otherwise; however, the Speaker may ask the House for comment.

11.4--Division of Question

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1373 Any member may call for a division of a question when the sense
 1374 will admit of it. A motion to remove and insert shall be deemed
 1375 indivisible. A motion to remove, being lost, shall preclude
 1376 neither amendment nor a motion to remove and insert.

1377

1378 11.5--Motion to Recess to a Time Certain

1379 A motion to recess to a time certain shall be treated the same
 1380 as a motion to adjourn, except that the motion is debatable when
 1381 no business is before the House and can be amended as to the
 1382 time to recess and duration of the recess. It yields only to a
 1383 motion to adjourn.

1384

1385 11.6--Motion to Lay on the Table

1386 A motion to lay on the table is not debatable and cannot be
 1387 amended; however, before the motion is put, the first-named
 1388 sponsor of a bill or the mover of a debatable motion shall be
 1389 allowed 5 minutes within which to discuss the same and may
 1390 divide the time with, or waive this right in favor of, some
 1391 other member. A motion to table a main question requires a
 1392 majority vote. A motion to lay an amendment on the table, if
 1393 adopted, does not carry with it the measure to which it adheres.
 1394 A motion to lay an amendment on the table may be adopted by a
 1395 majority vote.

1396

1397 11.7--Motion to Reconsider; Immediate Certification of Bills

1398 (a) When a motion or main question has been made and
 1399 carried or lost, it shall be in order at any time as a matter of
 1400 right on the same or succeeding legislative day for a member

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1401 voting with the prevailing side, or for any member in the case
1402 of a voice or tie vote, to move for reconsideration thereof.

1403 (b) When a majority of members vote in the affirmative but
1404 the proposition is lost because it is one in which the
1405 concurrence of a greater number than a majority is necessary for
1406 adoption or passage, any member may move for a reconsideration.

1407 (c) The motion to reconsider shall require a majority vote
1408 for adoption, and such motion shall not be renewed on any
1409 proposition after once being considered by vote of the House,
1410 except by unanimous consent.

1411 (d) Debate shall be allowed on a motion to reconsider only
1412 when the question that it is proposing to reconsider is
1413 debatable. When debate upon a motion to reconsider is in order,
1414 no member shall speak thereon more than once or for more than 5
1415 minutes.

1416 (e) The adoption of a motion to reconsider a vote upon any
1417 secondary matter shall not remove the main subject under
1418 consideration from consideration of the House.

1419 (f) A motion to reconsider a collateral matter must be
1420 disposed of at once during the course of the consideration of
1421 the main subject to which it is related, and such motion shall
1422 be out of order after the House has passed to other business.

1423 (g) No bill referred or recommitted to a council by a vote
1424 of the House shall be brought back into the House on a motion to
1425 reconsider.

1426 (h) The Chief Clerk shall retain possession of all bills
1427 and joint resolutions for the period after passage during which
1428 reconsideration may be moved, except that local bills,

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1429 concurrent resolutions, and memorials shall be transmitted to
1430 the Senate without delay.

1431 (i) The adoption of a motion to waive the rules and
1432 immediately certify any bill to the Senate shall be construed as
1433 releasing the measure from the Chief Clerk's possession for the
1434 period of reconsideration.

1435 (j) Unless otherwise directed by the Speaker, during the
1436 last 14 days of a regular session or any extension thereof and
1437 during any special session, all measures acted on by the House
1438 shall be transmitted to the Senate without delay.

1439

1440 11.8--Motion for the Previous Question

1441 (a) The previous question may be asked and ordered upon
1442 any debatable single motion, series of motions, or amendment
1443 pending and the effect thereof shall be to conclude all action
1444 on the same day. If third reading is reached on another day, the
1445 order for the previous question must be renewed on that day.

1446 (b) The motion for the previous question shall be decided
1447 without debate. If the motion prevails, the sponsor of a bill or
1448 debatable motion and an opponent shall be allowed 3 minutes each
1449 within which to debate the pending question, and each may divide
1450 the time with, or waive this right in favor of, some other
1451 member. On second reading, the final available question is the
1452 main amendment; on third reading, it is the bill.

1453 (c) When the motion for the previous question is adopted
1454 on a main question, the sense of the House shall be taken
1455 without delay on pending amendments and such question in the
1456 regular order.

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1457 (d) The motion for the previous question may not be made
1458 by the first-named sponsor or mover.

1459

1460 11.9--Motion to Limit Debate

1461 When there is debate by the House, it shall be in order for a
1462 member to move to limit debate and such motion shall be decided
1463 without debate, except that the first-named sponsor or mover of
1464 the question under debate shall have 5 minutes within which to
1465 discuss the motion and may divide the allotted time with, or
1466 waive it in favor of, some other member. If, by majority vote,
1467 the question is decided in the affirmative, debate shall be
1468 limited to 10 minutes for each side, unless a greater time is
1469 stated in the motion, such time to be apportioned by the
1470 Speaker; however, the first-named sponsor or mover shall have an
1471 additional 5 minutes within which to close the debate and may
1472 divide the allotted time with, or waive it in favor of, some
1473 other member.

1474

1475 11.10--Motion to Temporarily Postpone

1476 The motion to temporarily postpone shall be decided without
1477 debate and shall cause a measure to be set aside but retained on
1478 the desk. If a main question has been temporarily postponed
1479 after having been debated or after motions have been applied and
1480 is not brought back before the House on the same legislative
1481 day, it shall be placed under the order of unfinished business
1482 on the Calendar of the House. If a main question is temporarily
1483 postponed before debate has commenced or motions have been
1484 applied, its reading shall be considered a nullity and the bill

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1485 shall retain its original position on the order of business. The
1486 motion to return to consideration of a temporarily postponed
1487 main question shall be made under the proper order of business
1488 when no other matter is pending. If applied to a collateral
1489 matter, the motion to temporarily postpone shall not cause the
1490 main question to be carried with it. After having been
1491 temporarily postponed, if a collateral matter is not brought
1492 back before the House in the course of consideration of the
1493 adhering or main question, it shall be deemed abandoned.

1494

1495 11.11--Motion to Withdraw or Refer a Bill

1496 (a) A motion to withdraw a bill from council shall require
1497 a two-thirds vote.

1498 (b) Any member may, no later than under the order of
1499 business of Motions Relating to Council and Committee References
1500 on the legislative day following reference of a bill, move for
1501 reference from one council to a different council, which shall
1502 be decided by a majority vote.

1503 (c) A motion to refer a bill from one council to another
1504 council, other than as provided in subsection (b), may be made
1505 during the regular order of business and shall require a two-
1506 thirds vote.

1507 (d) A motion to refer a bill to an additional council may
1508 be made during the regular order of business and shall require a
1509 two-thirds vote.

1510 (e) A motion to refer shall be debated only as to the
1511 propriety of the reference.

1512 (f) A motion to withdraw a bill from further consideration

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1513 of the House shall require a two-thirds vote.

1514 (1) The Chair or Vice Chair of the Rules & Calendar
 1515 Council, at the request of the first-named member sponsor, may
 1516 move for the withdrawal of a bill from further consideration.

1517 (2) The first-named member sponsor of a bill may, prior to
 1518 its introduction, withdraw the bill by letter to the Chief
 1519 Clerk.

1520 (3) In moving for the withdrawal of a bill from further
 1521 consideration by floor motion, the introducer shall be required
 1522 to identify the nature of the bill.

1523

1524 11.12--Motion to Refer or Recommit

1525 (a) Any bill on the Calendar of the House may be referred
 1526 or recommitted by the House to a council or committee by a
 1527 majority vote.

1528 (b) A motion to refer or recommit a bill that is before
 1529 the House may be made during the regular order of business. The
 1530 motion shall be debatable only as to the propriety of that
 1531 reference and shall require an affirmative majority vote.

1532 (c) If a bill on third reading is referred or recommitted
 1533 to a council or committee that subsequently reports the bill
 1534 favorably with a council substitute or with one or more
 1535 amendments, the bill shall return to second reading.

1536 (d) Referral or recommitment of a House bill shall
 1537 automatically carry with it a Senate companion bill then on the
 1538 Calendar of the House.

1539

1540 11.13--Dilatory Motions

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1541 Dilatory or delaying motions shall not be in order as determined
 1542 by the Speaker.

1543

1544 11.14--Withdrawal of Motion

1545 The mover of a motion may withdraw the motion at any time before
 1546 it has been amended or a vote on it has commenced.

1547

1548 RULE TWELVE

1549 AMENDMENTS

1550

1551 12.1--Form

1552 Floor amendments and council substitutes shall be prepared by
 1553 the House Bill Drafting Service and filed with the Chief Clerk.

1554

1555 12.2--Filing Deadlines for Floor Amendments

1556 (a) During the first 55 days of a regular session:

1557 (1) Main floor amendments must be approved for filing with
 1558 the Chief Clerk by 2 p.m. of the first day a bill appears on the
 1559 Special Order Calendar in the Calendar of the House; and

1560 (2) Amendments to main floor amendments and substitute
 1561 amendments for main floor amendments must be approved for filing
 1562 by 5 p.m. of the same day.

1563 (b) After the 55th day of a regular session and during any
 1564 extended or special session:

1565 (1) Main floor amendments must be approved for filing with
 1566 the Chief Clerk not later than 2 hours before session is
 1567 scheduled to convene on the day a bill appears on the Special
 1568 Order Calendar in the Calendar of the House; and

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1569 (2) Amendments to main floor amendments and substitute
 1570 amendments for main floor amendments must be approved for filing
 1571 not later than 1 hour after the main floor amendment deadline.

1572 (c) A late-filed floor amendment may be taken up for
 1573 consideration only upon motion adopted by a two-thirds vote.

1574

1575 12.3--Presentation and Consideration

1576 (a) Amendments shall be taken up only as sponsors gain
 1577 recognition from the Speaker to move their adoption, except that
 1578 the chair of the council (or any member thereof designated by
 1579 the chair) reporting the measure under consideration shall have
 1580 preference for the presentation of council amendments to Senate
 1581 bills.

1582 (b) An amendment to a pending main amendment may be
 1583 received, but until it is disposed of no other motion to amend
 1584 will be in order except a substitute amendment or an amendment
 1585 to the substitute. Such amendments are to be disposed of in the
 1586 following order:

1587 (1) Amendments to the amendment are voted on before the
 1588 substitute is taken up. Only one amendment to the amendment is
 1589 in order at a time.

1590 (2) Amendments to the substitute are next voted on.

1591 (3) The substitute then is voted on. The adoption of a
 1592 substitute amendment in lieu of an original amendment shall be
 1593 treated and considered as an amendment to the bill itself.

1594

1595 [INSERT GRAPHIC ON AMENDMENT LEVELS]

1596

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1597 (c) The adoption of an amendment to a section shall not
 1598 preclude further amendment of that section. If a bill is being
 1599 considered section by section or item by item, only amendments
 1600 to the section or item under consideration shall be in order.

1601 (d) For the purpose of this rule, an amendment shall be
 1602 deemed pending only after its proposer has been recognized by
 1603 the Speaker and has moved its adoption.

1604 (e) Reviser's bills may be amended only by making
 1605 deletions.

1606
 1607 12.4--Second and Third Reading; Vote Required on Third Reading

1608 (a) A motion to amend is in order during the second or
 1609 third reading of any bill.

1610 (b) Amendments proposed on third reading shall require a
 1611 two-thirds vote for adoption, except that technical amendments
 1612 introduced in the name of the Rules & Calendar Council shall
 1613 require a majority vote for adoption. Amendments on third
 1614 reading, other than technical amendments introduced in the name
 1615 of the Rules & Calendar Council, must be approved for filing not
 1616 later than 1 hour before session is scheduled to convene on the
 1617 day the bill is reached on third reading.

1618 (c) A motion for reconsideration of an amendment on third
 1619 reading requires a two-thirds vote for adoption.

1620
 1621 12.5--Amendment of General Appropriations Bill
 1622 Whenever an amendment is offered to a general appropriations
 1623 bill that would increase any line item of such bill, such
 1624 amendment shall show the amount of the increase by line item and

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1625 | by section and shall, from with the same appropriations
 1626 | allocation and suballocation, as determined by the Speaker,
 1627 | decrease one or more line items or sections in an amount
 1628 | equivalent to or greater than the increase required by the
 1629 | amendment.

1630 |
 1631 | 12.6--Consideration of Senate Amendments

1632 | (a) After the reading of a Senate amendment to a House
 1633 | bill, the following motions shall be in order and shall be
 1634 | privileged in the order named:

- 1635 | (1) Amend the Senate amendment.
- 1636 | (2) Concur in the Senate amendment.
- 1637 | (3) Refuse to concur and ask the Senate to recede.
- 1638 | (4) Request the Senate to recede and, if the Senate
 1639 | refuses to recede, to appoint a conference committee to meet
 1640 | with a like committee appointed by the Speaker.

1641 | (b) If the Senate refuses to concur in a House amendment
 1642 | to a Senate bill, the following motions shall be in order and
 1643 | shall be privileged in the order named:

- 1644 | (1) That the House recede.
- 1645 | (2) That the House insist and ask for a conference
 1646 | committee.
- 1647 | (3) That the House insist.

1648 | (c) The Speaker may, upon determining that a Senate
 1649 | amendment substantially changes the bill as passed by the House,
 1650 | refer the Senate message, with the bill and Senate amendment or
 1651 | amendments, to the appropriate House council or committee for
 1652 | review and report to the House. The Speaker, upon such

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1653 | reference, shall announce the date and time for the council or
 1654 | committee to meet. The council or committee shall report to the
 1655 | House the recommendation for disposition of the Senate amendment
 1656 | or amendments under one of the four options presented in
 1657 | subsection (a). The report shall be furnished to the Chief Clerk
 1658 | and to the House, in writing, by the chair of the reporting
 1659 | council or committee.

1660

1661 | 12.7--Motion to Amend by Removing Enacting or Resolving Clause
 1662 | An amendment to remove the enacting clause of a bill or the
 1663 | resolving clause of a resolution or memorial shall, if carried,
 1664 | be considered equivalent to rejection of the bill, resolution,
 1665 | or memorial by the House.

1666

1667 | 12.8--Germanity of House Amendments

1668 | (a) GERMANITY

1669 | (1) Neither the House nor any council or committee shall
 1670 | consider an amendment that relates to a different subject or is
 1671 | intended to accomplish a different purpose than that of the
 1672 | pending question or that, if adopted, would require a title
 1673 | amendment for the bill that is substantially different from the
 1674 | bill's original title or that would unreasonably alter the
 1675 | nature of the bill.

1676 | (2) The Speaker, or the chair in the case of an amendment
 1677 | offered in council or committee, shall determine the germanity
 1678 | of any amendment when the question is timely raised.

1679 | (3) An amendment of the second degree or a substitute
 1680 | amendment must be germane to both the main amendment and the

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1681 measure to which it adheres.

1682 (b) AMENDMENTS THAT ARE NOT GERMANE. House amendments that
1683 are not germane include:

1684 (1) A general proposition amending a specific proposition.

1685 (2) An amendment amending a statute or session law when
1686 the purpose of the bill is limited to repealing such law, or an
1687 amendment repealing a statute or session law when the purpose of
1688 the bill is limited to amending such law.

1689 (3) An amendment that substantially expands the scope of
1690 the bill.

1691 (4) An amendment to a bill when legislative action on that
1692 bill is by law or these rules limited to passage, concurrence,
1693 or nonconcurrence as introduced.

1694 (c) AMENDMENTS THAT ARE GERMANE. Amendments that are
1695 germane include:

1696 (1) A specific provision amending a general provision.

1697 (2) An amendment that accomplishes the same purpose in a
1698 different manner.

1699 (3) An amendment limiting the scope of the proposal.

1700 (4) An amendment providing appropriations necessary to
1701 fulfill the original intent of a proposal.

1702 (5) An amendment that changes the effective date of a
1703 repeal, reduces the scope of a repeal, or adds a short-term
1704 nonstatutory transitional provision to facilitate repeal.

1705 (d) WAIVER OF RULE. Waiver of this rule shall require
1706 unanimous consent of the House.

1707

1708 12.9--Amendments Out of Order

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1709 | An amendment is out of order if it is the principal substance of
 1710 | a bill that has:

- 1711 | (a) Received an unfavorable council report,
- 1712 | (b) Been withdrawn from further consideration, or
- 1713 | (c) Not been reported favorably by at least one council of
 1714 | reference,

1715 |
 1716 | and may not be offered to a bill on the Calendar of the House
 1717 | and under consideration by the House. Any amendment that is
 1718 | substantially the same, and identical as to specific intent and
 1719 | purpose, as the measure residing in the council or councils of
 1720 | reference is covered by this rule.

1721 |
 1722 | 12.10--Printing of Amendments in *Journal*
 1723 | All amendments taken up, unless withdrawn, shall be printed in
 1724 | the *Journal*, except that an amendment to a general
 1725 | appropriations bill constituting an entirely new bill shall not
 1726 | be printed except upon consideration of the conference committee
 1727 | report.

1728 |
 1729 | RULE THIRTEEN
 1730 | RULES

1731 |
 1732 | 13.1--Parliamentary Authorities
 1733 | In all cases not provided for by the Florida Constitution, the
 1734 | Rules of the House, or the Joint Rules of the Senate and House,
 1735 | the guiding, but nonbinding, authority shall be first the
 1736 | Rulings of the Speaker and then the latest edition of *Mason's*

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1737 | *Manual of Legislative Procedure.*

1738

1739 | 13.2--Standing Rules Amendment

1740 | Any standing rule may be rescinded or changed by a majority vote
 1741 | of the members, provided that the proposed change or changes be
 1742 | submitted at least one day in advance by the Rules & Calendar
 1743 | Council in writing to the members together with notice of the
 1744 | consideration thereof. Any standing rule may be suspended
 1745 | temporarily by a two-thirds vote of the members present, except
 1746 | as otherwise provided in these rules.

1747

1748 | 13.3--Rules Apply for Term

1749 | The standing rules adopted after the beginning of the term
 1750 | govern all acts of the House during the course of the term
 1751 | unless amended or repealed.

1752

1753 | 13.4--Joint Rules

1754 | The House shall be governed by joint rules approved by the House
 1755 | and Senate during the term. Such joint rules may not be waived
 1756 | except by agreement of both the House and Senate. A majority
 1757 | vote of the House is required for such agreement.

1758

1759 | 13.5--Authority and Interpretation

1760 | These rules are adopted pursuant to the specific authority
 1761 | granted and the inherent powers vested in the House of
 1762 | Representatives by the Florida Constitution. These rules are
 1763 | intended to facilitate the orderly, practical, and efficient
 1764 | completion of legislative work undertaken by the House. These

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1765 | rules shall govern procedures in the House notwithstanding any
 1766 | inconsistent parliamentary tradition and notwithstanding any
 1767 | joint rule or any statute enacted by a prior Legislature.
 1768 | Adoption of these rules constitutes the determination of the
 1769 | House that they do not violate any express regulation or
 1770 | limitation contained in the Florida Constitution. These rules
 1771 | may not be construed to limit any of the powers, rights,
 1772 | privileges, or immunities vested in or granted to the House by
 1773 | the Florida Constitution or other organic law.

1774 |
 1775 | 13.6--Majority Action
 1776 | Unless otherwise indicated by these rules, all action by the
 1777 | House or its councils or committees shall be by majority vote of
 1778 | those members present and voting. When the body is equally
 1779 | divided, the question is defeated.

1780 |
 1781 | 13.7--Extraordinary Action
 1782 | Unless otherwise required by these rules or the Florida
 1783 | Constitution, all extraordinary votes shall be by vote of those
 1784 | members present and voting.

1785 |
 1786 | 13.8--"Days" Defined
 1787 | Wherever used in these rules, a "legislative day" means a day
 1788 | when the House convenes and a quorum is present. All other
 1789 | references to a "day" mean a calendar day.

1790 |
 1791 | **RULE FOURTEEN**
 1792 | **MISCELLANEOUS PROVISIONS**

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Part One--Public Records

14.1--Legislative Records

There shall be available for public inspection, whether maintained in Tallahassee or in a district office, the papers and records developed and received in connection with official legislative business, except as provided in s. 11.0431, Florida Statutes, or other provision of law. Any person who is denied access to a legislative record and who believes that he or she is wrongfully being denied such access may appeal the decision to deny access to the Speaker.

14.2--Legislative Records; Maintenance, Control, Destruction, Disposal, and Disposition

(a) Records that are required to be created by these rules or that are of vital, permanent, or archival value shall be maintained in a safe location that is easily accessible for convenient use. No such record need be maintained if the substance of the record is published or retained in another form or location. Whenever necessary, but no more often than annually or less often than biennially, records required to be maintained may be archived.

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

(c) (1) The administrative assistant for each existing

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1821 council or committee shall ensure compliance with this rule for
1822 all records created or received by the council or committee or
1823 for a former council or committee whose jurisdiction has been
1824 assigned to the council or committee.

1825 (2) The Speaker, the Speaker pro tempore, the Minority
1826 Leader, the Majority Leader, and the Sergeant at Arms shall
1827 ensure compliance with this rule for all records created or
1828 received by their respective offices and their predecessors in
1829 office.

1830 (3) Each member shall ensure compliance with this rule for
1831 all records created or received by the member or the member's
1832 district office.

1833 (4) The director of an ancillary House office shall ensure
1834 compliance with this rule for all records created or received by
1835 the director's office.

1836 (5) The Chief Clerk shall ensure compliance with this rule
1837 for all other records created or received by the House of
1838 Representatives.

1839 (d) If a council, committee, or office is not continued in
1840 existence, the records of such council, committee, or office
1841 shall be forwarded to the council, committee, or office assuming
1842 the jurisdiction or responsibility of the former council,
1843 committee, or office, if any. Otherwise, such records shall be
1844 forwarded to the Chief Clerk.

1845 (e) The Chief Clerk shall establish a schedule of
1846 reasonable and appropriate fees for copies of legislative
1847 records and documents.

1848

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1849 Part Two--Distribution of Documents; Display of Signs

1850

1851 14.3--Distribution of Documents

1852 Documents required by these rules to be printed or published may
1853 be produced and distributed on paper or in electronic form.

1854

1855 14.4--Display of Signs, Placards, and the Like

1856 Signs, placards, or other objects of similar nature shall be
1857 permitted in the rooms, lobby, galleries, or Chamber of the
1858 House only upon approval of the Chair of the Rules & Calendar
1859 Council.

1860

1861 Part Three--House Seal

1862

1863 14.5--House Seal

1864 (a) REQUIREMENT. There shall be an official seal of the
1865 House of Representatives. The seal shall be used only by or on
1866 behalf of a member or officer of the House in conjunction with
1867 his or her official duties or when specifically authorized in
1868 writing by the Chair of the Rules & Calendar Council.

1869 (b) CONFIGURATION. The seal shall be a circle having in
1870 the center thereof a view of the sun's rays over a highland in
1871 the distance, a sabal palmetto palm tree, a steamboat on the
1872 water, and a Native American female scattering flowers in the
1873 foreground, encircled by the words "House of Representatives."

1874 (c) USE. Unless a written exception is otherwise granted
1875 by the Chair of the Rules & Calendar Council:

1876 (1) Material carrying the official seal shall be used only

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1877 | by a member, officer, or employee of the House or other persons
 1878 | employed or retained by the House.

1879 | (2) The use, printing, publication, or manufacture of the
 1880 | seal, or items or materials bearing the seal or a facsimile of
 1881 | the seal, shall be limited to official business of the House or
 1882 | official legislative business.

1883 | (d) CUSTODIAN. The Chief Clerk shall be the custodian of
 1884 | the official seal.

1885

1886

RULE FIFTEEN

1887

ETHICS AND CONDUCT OF MEMBERS

1888

1889 | 15.1--Legislative Ethics and Official Conduct

1890 | Legislative office is a trust to be performed with integrity in
 1891 | the public interest. A member is respectful of the confidence
 1892 | placed in the member by the other members and by the people. By
 1893 | personal example and by admonition to colleagues whose behavior
 1894 | may threaten the honor of the lawmaking body, the member shall
 1895 | watchfully guard the responsibility of office and the
 1896 | responsibilities and duties placed on the member by the House.
 1897 | To this end, each member shall be accountable to the House for
 1898 | violations of this rule or any provision of the House Code of
 1899 | Conduct contained in Rules 15.1-15.7.

1900

1901 | 15.2--The Integrity of the House

1902 | A member shall respect and comply with the law and shall perform
 1903 | at all times in a manner that promotes public confidence in the
 1904 | integrity and independence of the House and of the Legislature.

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1905 Each member shall perform at all times in a manner that promotes
 1906 a professional environment in the House, which shall be free
 1907 from unlawful employment discrimination.

1908
 1909 15.3--Improper Influence; Solicitation of Campaign Contributions

1910 (a) A member may not accept anything that reasonably may
 1911 be construed to improperly influence the member's official act,
 1912 decision, or vote.

1913 (b) A member may neither solicit nor accept any campaign
 1914 contribution during the 60-day regular legislative session or
 1915 any extended or special session on the member's own behalf, on
 1916 behalf of a political party, on behalf of any organization with
 1917 respect to which the member's solicitation is regulated under s.
 1918 106.0701, Florida Statutes, or on behalf of a candidate for the
 1919 House of Representatives; however, a member may contribute to
 1920 the member's own campaign.

1921
 1922 15.4--Ethics; Conflicting Employment

1923 A member shall:

1924 (a) Scrupulously comply with the requirements of all laws
 1925 related to the ethics of public officers.

1926 (b) Not allow personal employment to impair the member's
 1927 independence of judgment in the exercise of official duties.

1928 (c) Not directly or indirectly receive or agree to receive
 1929 any compensation for any services rendered or to be rendered
 1930 either by the member or any other person when such activity is
 1931 in substantial conflict with the duties of a member of the
 1932 House.

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1933
 1934 15.5--Use of Official Position
 1935 A member may not corruptly use or attempt to use the member's
 1936 official position in a manner contrary to the trust or authority
 1937 placed in the member, either by the public or by other members,
 1938 for the purpose of securing a special privilege, benefit, or
 1939 exemption for the member or for others.

1940
 1941 15.6--Use of Information Obtained by Reason of Official Position
 1942 A member may engage in business and professional activity in
 1943 competition with others but may not use or provide to others,
 1944 for the member's personal gain or benefit or for the personal
 1945 gain or benefit of any other person or business entity, any
 1946 information that has been obtained by reason of the member's
 1947 official capacity as a member and that is unavailable to members
 1948 of the public as a matter of law.

1949
 1950 15.7--Representation of Another Before a State Agency
 1951 A member may not personally represent another person or entity
 1952 for compensation before any state agency other than a judicial
 1953 tribunal. For the purposes of this rule, "state agency" means
 1954 any entity of the legislative or executive branch of state
 1955 government over which the Legislature exercises plenary
 1956 budgetary and statutory control.

1957
 1958 15.8--Advisory Opinions
 1959 (a) A member, when in doubt about the applicability and
 1960 interpretation of these rules with respect to legislative ethics

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1961 and member conduct, may convey the facts of the situation to the
 1962 House general counsel for an advisory opinion. The general
 1963 counsel shall issue the opinion within 10 days after receiving
 1964 the request. The advisory opinion may be relied upon by the
 1965 member requesting the opinion. Upon request of any member, the
 1966 council or committee designated by the Speaker to have
 1967 responsibility for the ethical conduct of members may revise an
 1968 advisory opinion rendered by the House general counsel through
 1969 an advisory opinion issued to the member who requested the
 1970 opinion.

1971 (b) An advisory opinion rendered by the House general
 1972 counsel or the council or committee shall be numbered, dated,
 1973 and published. Advisory opinions from the House general counsel
 1974 or the council or committee may not identify the member seeking
 1975 the opinion unless such member so requests.

1976
 1977 15.9--Penalties for Violations
 1978 Separately from any prosecutions or penalties otherwise provided
 1979 by law, any member determined to have violated the requirements
 1980 of these rules relating to ethics or member conduct shall be
 1981 fined, censured, reprimanded, placed on probation, or expelled
 1982 or have such other lesser penalty imposed as may be appropriate.
 1983 Such determination and disciplinary action shall be taken by a
 1984 two-thirds vote of the House, except that expulsions shall
 1985 require two-thirds vote of the membership, upon recommendation
 1986 of the Select Committee on Standards of Official Conduct
 1987 designated under Rule 16.2.

1988

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1989 15.10--Felony Indictment or Information of a Member

1990 (a) If an indictment or information for a felony of any
 1991 jurisdiction is filed against a member of the House, the member
 1992 indicted or informed against may request the Speaker to excuse
 1993 the member, without pay, from all privileges of membership of
 1994 the House pending final adjudication.

1995 (b) If the indictment or information is either *nolle*
 1996 *prossed* or dismissed, or if the member is found not guilty of
 1997 the felonies charged, or lesser included felonies, then the
 1998 member shall be paid all back pay and other benefits retroactive
 1999 to the date the member was excused.

2000

2001 15.11--Felony Guilty Plea of a Member

2002 A member who enters a plea of guilty or *nolo contendere* to a
 2003 felony of any jurisdiction may, at the discretion of the
 2004 Speaker, be suspended immediately, without a hearing and without
 2005 pay, from all privileges of membership of the House through the
 2006 remainder of that member's term.

2007

2008 15.12--Felony Conviction of a Member

2009 (a) A member convicted of a felony of any jurisdiction
 2010 may, at the discretion of the Speaker, be suspended immediately,
 2011 without a hearing and without pay, from all privileges of
 2012 membership of the House pending appellate action or the end of
 2013 the member's term, whichever occurs first.

2014 (b) A member suspended under the provisions of this rule
 2015 may, within 10 days after such suspension, file a written
 2016 request for a hearing, setting forth specific reasons contesting

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2017 the member's suspension. Upon receipt of a written request for a
 2018 hearing, the Speaker shall appoint a select committee, which
 2019 shall commence a hearing on the member's suspension within 30
 2020 days and issue a report to the House within 10 days after the
 2021 conclusion of the hearing. The report of the select committee
 2022 shall be final unless the member, within 10 days after the
 2023 issuance of the report, requests in writing that the Speaker
 2024 convene the full House to consider the report of the select
 2025 committee. Upon receipt of a request for such consideration, the
 2026 Speaker shall timely convene the House for such purpose.

2027 (c) If the final appellate decision is to sustain the
 2028 conviction, then the member's suspension shall continue to the
 2029 end of the member's term. If the final appellate decision is to
 2030 vacate the conviction and there is a rehearing, the member shall
 2031 be subject to Rule 15.10. If the final appellate decision is to
 2032 vacate the conviction and no felony charges remain against the
 2033 member, the member shall be entitled to restitution of back pay
 2034 and other benefits retroactive to the date of suspension.

2035
 2036 RULE SIXTEEN

2037 PROCEDURES FOR LEGAL PROCEEDINGS

2038
 2039 Part One--Committees Conducting Legal Proceedings

2040
 2041 16.1--Procedures for Committees Conducting Legal Proceedings

2042 (a) ISSUANCE OF SUBPOENA

2043 (1) In order to carry out its duties, each standing or
 2044 select committee, whenever required, may issue subpoena with the

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2045 approval of the Speaker and other necessary process to compel
2046 the attendance of witnesses before such committee or the taking
2047 of a deposition pursuant to these rules. Pursuant to Rule 7.1(b)
2048 and for purposes of Rule 16, the term "committee" includes any
2049 council. The chair of the committee shall issue such process on
2050 behalf of the committee. The chair or any other member of such
2051 committee may administer all oaths and affirmations in the
2052 manner prescribed by law to witnesses who shall appear before
2053 such committee for the purpose of testifying in any matter about
2054 which such committee may require evidence.

2055 (2) Each standing or select committee, whenever required,
2056 may also compel by subpoena *duces tecum* with the approval of the
2057 Speaker the production of any books, letters, or other
2058 documentary evidence it may need to examine in reference to any
2059 matter before it. The chair of the standing or select committee
2060 shall issue process on behalf of the standing or select
2061 committee.

2062 (b) CONTEMPT PROCEEDINGS

2063 (1) The House may punish, by fine or imprisonment, any
2064 person who is not a member and who is guilty of disorderly or
2065 contemptuous conduct in its presence or of a refusal to obey its
2066 lawful summons.

2067 (2) A person shall be deemed in contempt if the person:

2068 a. Fails or refuses to appear in compliance with a
2069 subpoena or, having appeared, fails or refuses to testify under
2070 oath or affirmation;

2071 b. Fails or refuses to answer any relevant question or
2072 fails or refuses to furnish any relevant book, paper, or other

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2073 document subpoenaed on behalf of such committee; or

2074 c. Commits any other act or offense against such committee
 2075 that, if committed against the Legislature or either house
 2076 thereof, would constitute contempt.

2077 (3) A standing or select committee may, by majority vote
 2078 of all of its members, apply to the House for contempt citation.
 2079 The application shall be considered as though the alleged
 2080 contempt had been committed in or against the House itself. If
 2081 such committee is meeting during the interim, its application
 2082 shall be made to the circuit court pursuant to subsection (f).

2083 (4) A person guilty of contempt under this rule shall be
 2084 fined not more than \$500 or imprisoned not more than 90 days or
 2085 both, or shall be subject to such other punishment as the House
 2086 may, in the exercise of its inherent powers, impose prior to and
 2087 in lieu of the imposition of the aforementioned penalty.

2088 (5) The sheriffs in the several counties shall make such
 2089 service and execute all process or orders when required by
 2090 standing or select committees. Sheriffs shall be paid as
 2091 provided for in s. 30.231, Florida Statutes.

2092 (c) FALSE SWEARING. Whoever willfully affirms or swears
 2093 falsely in regard to any material matter or thing before any
 2094 standing or select committee is guilty of perjury in an official
 2095 proceeding, which is a felony of the third degree and shall be
 2096 punished as provided in s. 775.082, s. 775.083, or s. 775.084,
 2097 Florida Statutes.

2098 (d) RIGHTS OF WITNESSES

2099 (1) All witnesses summoned before any standing or select
 2100 committee shall receive reimbursement for travel expenses and

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2101 per diem at the rates provided in s. 112.061, Florida Statutes.
2102 However, the fact that such reimbursement is not tendered at the
2103 time the subpoena is served shall not excuse the witness from
2104 appearing as directed therein.

2105 (2) Service of a subpoena requiring the attendance of a
2106 person at a meeting of a standing or select committee shall be
2107 made in the manner provided by law for the service of subpoenas
2108 in civil action at least 7 days prior to the date of the meeting
2109 unless a shorter period of time is authorized by majority vote
2110 of all the members of such committee. If a shorter period of
2111 time is authorized, the persons subpoenaed shall be given
2112 reasonable notice of the meeting, consistent with the particular
2113 circumstances involved.

2114 (3) Any person who is served with a subpoena to attend a
2115 meeting of any standing or select committee also shall be served
2116 with a general statement informing the person of the subject
2117 matter of such committee's investigation or inquiry and a notice
2118 that the person may be accompanied at the meeting by private
2119 counsel.

2120 (4) Upon the request of any party and the approval of a
2121 majority of the standing or select committee, the chair shall
2122 instruct all witnesses to leave the meeting room and retire to a
2123 designated place. The witness shall be instructed by the chair
2124 not to discuss the testimony of the witness or the testimony of
2125 any other person with anyone until the meeting has been
2126 adjourned and the witness has been discharged by the chair. The
2127 witness shall be further instructed that if any person discusses
2128 or attempts to discuss the matter under investigation with the

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2129 witness after receiving such instructions, the witness shall
2130 bring such matter to the attention of such committee. No member
2131 of such committee or representative thereof may discuss any
2132 matter or matters pertinent to the subject matter under
2133 investigation with any witness to be called before such
2134 committee from the time that these instructions are given until
2135 the meeting has been adjourned and the witness has been
2136 discharged by the chair. Any person violating this rule shall be
2137 in contempt of the Legislature.

2138 (5) Any standing or select committee taking sworn
2139 testimony from witnesses as provided herein shall cause a record
2140 to be made of all proceedings in which testimony or other
2141 evidence is demanded or adduced, which record shall include
2142 rulings of the chair, questions of such committee and its staff,
2143 the testimony or responses of witnesses, sworn written
2144 statements submitted to the committee, and such other matters as
2145 the committee or its chair may direct.

2146 (6) A witness at a meeting, upon advance request and at
2147 the witness's own expense, shall be furnished a certified
2148 transcript of the witness's testimony at the meeting.

2149 (e) RIGHT OF OTHER PERSONS TO BE HEARD

2150 (1) Any person whose name is mentioned or who is otherwise
2151 identified during a meeting being conducted for the purpose of
2152 taking sworn testimony from witnesses of any standing or select
2153 committee and who, in the opinion of such committee, may be
2154 adversely affected thereby, may, upon the request of the person
2155 or upon the request of any member of such committee, appear
2156 personally before such committee and testify on the person's own

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2157 | behalf, or, with such committee's consent, file a sworn written
2158 | statement of facts or other documentary evidence for
2159 | incorporation into the record of the meeting. Any such witness,
2160 | however, shall, prior to filing such statement, consent to
2161 | answer questions from such committee regarding the contents of
2162 | the statement.

2163 | (2) Upon the consent of a majority of the members present,
2164 | a quorum having been established, any standing or select
2165 | committee may permit any other person to appear and testify at a
2166 | meeting or submit a sworn written statement of facts or other
2167 | documentary evidence for incorporation into the record. No
2168 | request to appear, appearance, or submission shall limit in any
2169 | way the committee's power of subpoena. Any such witness,
2170 | however, shall, prior to filing such statement, consent to
2171 | answer questions from any standing or select committee regarding
2172 | the contents of the statement.

2173 | (f) ENFORCEMENT OF SUBPOENA OUT OF SESSION. If any witness
2174 | fails to respond to the lawful subpoena of any standing or
2175 | select committee at a time when the Legislature is not in
2176 | session or, having responded, fails to answer all lawful
2177 | inquiries or to turn over evidence that has been subpoenaed,
2178 | such committee may file a complaint before any circuit court of
2179 | the state setting up such failure on the part of the witness. On
2180 | the filing of such complaint, the court shall take jurisdiction
2181 | of the witness and the subject matter of the complaint and shall
2182 | direct the witness to respond to all lawful questions and to
2183 | produce all documentary evidence in the possession of the
2184 | witness that is lawfully demanded. The failure of any witness to

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2185 | comply with such order of the court shall constitute a direct
 2186 | and criminal contempt of court, and the court shall punish such
 2187 | witness accordingly.

2188 |
 2189 | Part Two--Complaints Against Members and Officers of the House,
 2190 | Lobbyists, and Other Persons

2191 |
 2192 | 16.2--Complaints against Members and Officers of the House,
 2193 | Lobbyists, and Other Persons; Procedure

2194 | The following rules govern proceedings on all complaints under
 2195 | the jurisdiction of the House. Such complaints include those
 2196 | alleging improper conduct of a member or officer that may
 2197 | reflect upon the House, violations of law or of the House Code
 2198 | of Conduct by a member or officer, violations of administrative
 2199 | regulations of the House relating to the conduct of individuals
 2200 | in the performance of their duties as members or officers, or
 2201 | violations of the Rules of the House, Joint Rule One, s. 11.045,
 2202 | s. 112.3148, or s. 112.3149, Florida Statutes, or any other
 2203 | applicable standard of conduct by any lobbyist or person other
 2204 | than a member of the House.

2205 | (a) FORM AND CONTENT OF A COMPLAINT

2206 | (1) A complaint shall be in writing and under oath,
 2207 | setting forth in simple, concise statements the following:

2208 | a. The name and legal address of the party filing the
 2209 | complaint (complainant).

2210 | b. The name and position or title of the member or officer
 2211 | of the House or other person (respondent) alleged to have
 2212 | committed a violation under the jurisdiction of the House.

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2213 c. The nature of the alleged violation, based upon the
 2214 personal knowledge of the complainant, including, if possible,
 2215 the specific section of the House Code of Conduct, Joint Rule
 2216 One, or law, rule, regulation, or other standard of conduct
 2217 alleged to have been violated.

2218 d. The facts alleged to have given rise to the violation.

2219 (2) The complainant shall attach to the complaint all
 2220 documents in the possession of the complainant that are relevant
 2221 to and support the allegations of the complaint.

2222 (3) A complaint may be withdrawn by the complainant at any
 2223 time.

2224 (b) FILING AND INITIAL PROCESSING OF COMPLAINTS. All
 2225 complaints shall be initially filed with the Speaker who shall
 2226 then promptly forward the complaint to the Chair of the Rules &
 2227 Calendar Council. The Chair of the Rules & Calendar Council
 2228 shall initially review all complaints.

2229 (1) Upon receipt of a complaint, the Rules & Calendar
 2230 Council shall note the date of receipt.

2231 (2) If the complaint is against the Chair of the Rules &
 2232 Calendar Council, the chair shall return the complaint to the
 2233 Speaker. If the complaint alleges a violation by an employee of
 2234 the House, the chair shall return the complaint to the Speaker
 2235 for disposition as provided in Rule 2.6.

2236 (3) The chair shall, within 5 days (excluding Saturdays,
 2237 Sundays, and official state holidays), notify the member,
 2238 lobbyist, or other person against whom the complaint has been
 2239 filed and provide such member, lobbyist, or other person with a
 2240 copy of the complaint. For purposes of these rules, a complaint

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2241 against a lobbying firm shall be treated as a complaint against
2242 each lobbyist who is a partner, owner, officer, or employee of
2243 the lobbying firm. For purposes of Rule 16, the term "person"
2244 includes any principal regardless of the organizational form of
2245 the principal.

2246 (4) The chair shall, within 20 days:

2247 a. Examine each complaint for jurisdiction and compliance
2248 with subsection (a). If the chair determines that a complaint
2249 does not comply with such rule, the complaint shall be returned
2250 to the complainant with a general statement that the complaint
2251 is not in compliance with such rule and with a copy of the rule.
2252 A complainant may resubmit a complaint, provided such complaint
2253 is resubmitted prior to the expiration of the time limitation
2254 set forth in subsection (1);

2255 b. Dismiss the complaint and notify the complainant and
2256 the respondent of such action if the chair determines that the
2257 verified complaint does not allege facts sufficient to
2258 constitute a violation under the jurisdiction of the House;

2259 c. Attempt to correct or prevent the alleged violation by
2260 informal means if the chair determines that a violation is
2261 inadvertent, technical, or otherwise *de minimis*; or

2262 d. Transmit a copy of the complaint to the Speaker and, in
2263 writing, request the appointment of a Probable Cause Panel or
2264 Special Investigator regarding the complaint, if the chair
2265 determines that such a complaint does allege facts sufficient to
2266 constitute a violation under the jurisdiction of the House and
2267 that the complaint is not *de minimis*. A copy of the letter shall
2268 be provided to the complainant and the respondent.

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2269 (c) APPOINTMENT OF PROBABLE CAUSE PANEL OR SPECIAL
 2270 INVESTIGATOR

2271 (1) Creation. When the Speaker receives a copy of a
 2272 complaint and a request for appointment made pursuant to
 2273 subsection (b), and whenever the Speaker receives audit
 2274 information indicating a possible violation of s. 11.045,
 2275 Florida Statutes, other than a late-filed report, by a lobbying
 2276 firm (which shall be treated as the respondent for purposes of
 2277 this rule), the Speaker shall, within 20 days, either appoint a
 2278 Probable Cause Panel (panel) consisting of an odd number of
 2279 members or appoint a Special Investigator. If the Speaker
 2280 appoints a panel, the Speaker shall also designate one member of
 2281 the panel as its chair. The Speaker may appoint up to two
 2282 additional persons who are not members of the House to serve as
 2283 nonvoting, public members of a panel.

2284 (2) Powers and Duties. The panel or the Special
 2285 Investigator shall have the following powers and duties:

2286 a. Investigate complaints and possible violations
 2287 resulting from audits, and promptly make appropriate findings of
 2288 fact, regarding allegations of improper conduct sufficient to
 2289 establish probable cause of the violations complained of.

2290 b. Based upon an investigation by the panel or Special
 2291 Investigator, make and report findings of probable cause to the
 2292 Speaker and to the House as they relate to the underlying
 2293 complaint.

2294 c. Recommend to the Rules & Calendar Council such
 2295 additional rules or regulations as the panel or the Special
 2296 Investigator shall determine are necessary or desirable to

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2297 ensure proper standards of conduct by members and officers of
 2298 the House in the performance of their duties or by lobbyists or
 2299 others regulated by s. 11.045, s. 112.3148, or s. 112.3149,
 2300 Florida Statutes.

2301 d. Adopt rules of procedure as appropriate.

2302 (3) Quorum. A quorum of a panel, when appointed, shall
 2303 consist of a majority of the members of the panel. All action by
 2304 a panel shall require the concurrence of a majority of the full
 2305 panel.

2306 (4) Term. A panel or Special Investigator, as appropriate,
 2307 shall serve until the complaint that occasioned the appointment
 2308 of the panel or the Special Investigator has been dismissed or
 2309 until a finding of probable cause has been transmitted to the
 2310 Speaker.

2311 (d) PRELIMINARY INVESTIGATION AND PROBABLE CAUSE FINDING
 2312 BY PROBABLE CAUSE PANEL OR SPECIAL INVESTIGATOR

2313 (1) Preliminary Investigation

2314 a. The panel or the Special Investigator shall provide the
 2315 respondent an opportunity to present to the panel, Special
 2316 Investigator, or staff of the panel, orally or in writing, a
 2317 statement responding to the allegations set forth in the
 2318 complaint.

2319 b. The panel, Special Investigator, or staff of the panel
 2320 may interview witnesses and examine documents and other
 2321 evidentiary matters.

2322 c. The panel or Special Investigator may order the
 2323 testimony of witnesses to be taken under oath, in which event
 2324 the oath may be administered by the chair or any other member of

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2325 | the panel, by the Special Investigator, or by any person
2326 | authorized by law to administer oaths.

2327 | d. The panel or Special Investigator may require, by
2328 | subpoena issued pursuant to these rules or otherwise, the
2329 | attendance and testimony of witnesses and the production of such
2330 | books, records, correspondence, memoranda, papers, documents,
2331 | and other items as it deems necessary to the conduct of the
2332 | inquiry.

2333 | (2) Probable Cause Finding

2334 | a. Findings

2335 | 1. The panel, by a recorded vote of a majority of the full
2336 | panel, or the Special Investigator, as appropriate, shall
2337 | determine whether there is probable cause to conclude that a
2338 | violation within the jurisdiction of the panel or the Special
2339 | Investigator has occurred.

2340 | 2. If the panel or Special Investigator, as appropriate,
2341 | finds that probable cause does not exist, the panel or Special
2342 | Investigator shall dismiss the complaint and notify the
2343 | complainant and the respondent of its determination.

2344 | 3. If the panel or Special Investigator, as appropriate,
2345 | determines that probable cause exists to believe that a
2346 | violation occurred but that the violation, if proven, is *de*
2347 | *minimis* or is not sufficiently serious to justify expulsion,
2348 | censure, reprimand, or the imposition of a penalty pursuant to
2349 | Rule 16.4, the panel or Special Investigator may recommend an
2350 | appropriate lesser penalty or may resolve the complaint
2351 | informally. If the respondent agrees, a summary of the panel's
2352 | or Special Investigator's conclusions, as appropriate, shall be

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2353 published in the *Journal* and the penalty agreed upon shall be
 2354 imposed. If the panel or Special Investigator is unable to
 2355 satisfactorily settle the complaint, the complaint shall be
 2356 subject to a full evidentiary hearing before the Select
 2357 Committee on Standards of Official Conduct.

2358 4. If the panel or Special Investigator determines that
 2359 probable cause exists to believe that a violation occurred and
 2360 that, if proven, would be sufficiently serious to justify
 2361 expulsion, censure, reprimand, or the imposition of a penalty
 2362 pursuant to Rule 16.4, the panel or Special Investigator shall
 2363 transmit to the Speaker a Statement of Alleged Violation. The
 2364 statement shall be divided into counts, and each count shall be
 2365 related to a separate violation and shall contain a plain and
 2366 concise statement of the alleged facts of such violation,
 2367 including a reference to the provision of the House Code of
 2368 Conduct, Joint Rule One, or law, rule, regulation, or other
 2369 standard of conduct alleged to have been violated. A copy of the
 2370 statement shall be furnished to each respondent.

2371 b. Collateral Proceedings. If the complaint against a
 2372 member or officer of the House or has been the subject of action
 2373 before any other body, the panel or Special Investigator may
 2374 forward the complaint directly to that body for a hearing.

2375 (e) SELECT COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

2376 (1) Select Committee on Standards of Official Conduct. The
 2377 Speaker shall appoint a Select Committee on Standards of
 2378 Official Conduct (select committee) within 20 days after receipt
 2379 by the Speaker of a Statement of Alleged Violation or findings
 2380 by the Commission on Ethics regarding a member of the House. The

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2381 select committee shall hold hearings regarding the statement,
2382 hold hearings to determine whether a violation has occurred,
2383 and, if appropriate, make a recommendation for disciplinary
2384 action or other punishment to the full House.

2385 (2) Referee. The select committee may, in its discretion
2386 and with the approval of the Speaker, employ a referee to
2387 preside over the proceedings, to hear testimony, and to make
2388 findings of fact and recommendations to the select committee
2389 concerning the disposition of complaints. A hearing before a
2390 referee shall follow the rules of procedure and evidence
2391 applicable to a hearing before the select committee. A referee
2392 shall prepare a proposed recommended order and file it, together
2393 with the record of the hearing, with the select committee.
2394 Copies of the proposed recommended order shall be served on all
2395 parties. The proposed recommended order shall contain the time
2396 and place of the hearing, appearances entered at the hearing,
2397 issues, and proposed findings of fact and conclusions of law.
2398 The respondent and the independent counsel (or the committee's
2399 legal advisor) may file written exceptions with the select
2400 committee in response to a referee's recommended order.
2401 Exceptions shall be filed within 20 days after service of the
2402 recommended order unless such time is extended by the referee or
2403 the chair of the select committee.

2404 (3) Independent Counsel. The Select Committee on Standards
2405 of Official Conduct is authorized to retain and compensate
2406 counsel not regularly employed by the House, as authorized by
2407 the Speaker.

2408 (4) Consent Decree. At any point during which the select

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2409 | committee has jurisdiction over the complaint, the respondent
2410 | and the select committee may agree to a consent decree. The
2411 | consent decree shall state findings of fact and shall be
2412 | published in the *Journal*. The consent decree shall contain such
2413 | penalty as may be appropriate. If the House accepts the consent
2414 | decree, the complaint pursuant to these proceedings shall be
2415 | resolved. If the House does not accept the consent decree, the
2416 | proceedings before the select committee shall resume.

2417 | (f) ADJUDICATORY HEARING BY SELECT COMMITTEE

2418 | (1) Hearing. A hearing regarding a violation charged in a
2419 | Statement of Alleged Violation, or, in the case of a member, a
2420 | hearing regarding a complaint and findings by the Commission on
2421 | Ethics, shall be held promptly to receive evidence upon which to
2422 | base findings of fact and recommendations, if any, to the House
2423 | respecting such violation.

2424 | a. Chair. The chair of the select committee or other
2425 | member presiding at a hearing shall rule upon any question of
2426 | admissibility of testimony or evidence presented to the select
2427 | committee. Rulings shall be final unless reversed or modified by
2428 | a majority vote of the members of the select committee. If the
2429 | select committee appoints a referee, the referee shall make all
2430 | evidentiary rulings.

2431 | b. Prosecutor. With respect to complaints against members,
2432 | the select committee shall serve as prosecutor for hearings and
2433 | staff of the select committee shall serve as legal advisor. For
2434 | all hearings involving a lobbyist or others regulated by s.
2435 | 11.045, s. 112.3148, or s. 112.3149, Florida Statutes, the staff
2436 | of the select committee shall serve as prosecutor. In any case,

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2437 | the select committee may retain independent counsel to serve as
 2438 | prosecutor.

2439 | c. Respondent's Rights. A respondent shall have the right
 2440 | to be represented by legal counsel, to call witnesses, to
 2441 | introduce exhibits, and to cross-examine opposing witnesses. A
 2442 | respondent or respondent's counsel shall be permitted to take
 2443 | the deposition of the complainant in accordance with
 2444 | subparagraph (2)b.

2445 | d. Complainant's Rights. The complainant is not a party to
 2446 | any part of the complaint process or these proceedings. The
 2447 | complainant has no standing to challenge these rules or
 2448 | procedures and has no right to appeal. The complainant may
 2449 | submit a list of witnesses or questions for the select
 2450 | committee's consideration to assist in its preparation for the
 2451 | hearing.

2452 | (2) Rules of Procedure and Evidence. The select committee
 2453 | may adopt formal and informal rules of procedure as appropriate
 2454 | to its needs. The select committee may consider any reliable
 2455 | evidence as it sees fit. The following minimum rules of
 2456 | procedure and evidence shall apply:

2457 | a. Evidence. Irrelevant, immaterial, or unduly repetitious
 2458 | evidence shall be excluded, but all other evidence of a type
 2459 | commonly relied upon by reasonably prudent persons in the
 2460 | conduct of their affairs shall be admissible, regardless of
 2461 | whether such evidence would be admissible in a trial in the
 2462 | courts of Florida. However, hearsay evidence may not be used
 2463 | unless it would be admissible under the *Florida Rules of*
 2464 | *Evidence* and shall not be sufficient in itself to support a

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2465 factual finding unless it would be admissible over objection in
2466 civil actions.

2467 b. Discovery. Discovery may be permitted upon motion,
2468 which shall state the reason therefor. Discovery shall be in
2469 accordance with the *Florida Rules of Civil Procedure* but may be
2470 limited in time, scope, and method by the chair or the referee.

2471 c. Testimony. The select committee shall order the
2472 testimony of witnesses to be taken under oath. The oath may be
2473 administered by the chair or a member of the select committee,
2474 by any referee, or by any person authorized by law to administer
2475 oaths.

2476 d. Subpoenas. The select committee may require, by
2477 subpoena issued pursuant to these rules or otherwise, the
2478 attendance and testimony of witnesses and the production of such
2479 books, records, correspondence, memoranda, papers, documents,
2480 and other items as it deems necessary to the conduct of the
2481 inquiry.

2482 e. Order of Hearing. The order of the full hearing before
2483 the select committee or the referee shall be as follows:

2484 1. The chair or the referee shall open the hearing by
2485 stating the select committee's authority to conduct the hearing,
2486 the purpose of the hearing, and its scope.

2487 2. Testimony from witnesses and other evidence pertinent
2488 to the subject of the hearing shall be received in the following
2489 order, whenever possible: witnesses and other evidence offered
2490 by the independent counsel, witnesses and other evidence offered
2491 by the respondent, and rebuttal witnesses. The select committee
2492 may call witnesses at any time during the proceedings.

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2493 3. Witnesses at the hearing shall be examined first by the
2494 independent counsel or by the staff of the select committee, as
2495 the case may be. The respondent or the respondent's counsel may
2496 then cross-examine the witnesses. The members of the select
2497 committee may then question the witnesses. Redirect and recross
2498 may be permitted at the chair's or the referee's discretion.
2499 With respect to witnesses offered by the respondent, a witness
2500 shall be examined first by the respondent or the respondent's
2501 counsel and then may be cross-examined by the independent
2502 counsel or by the staff of the select committee, as the case may
2503 be. Members of the select committee may then question the
2504 witness. Redirect and recross may be permitted at the chair's or
2505 the referee's discretion. Participation by the select committee
2506 at the hearing stage is at the sole discretion of the select
2507 committee and is not mandatory.

2508 (3) Burden of Proof. At the hearing, the burden of proof
2509 rests on the appointed independent counsel or the staff of the
2510 select committee, as the case may be, to establish the facts
2511 alleged by clear and convincing evidence with respect to each
2512 count.

2513 (4) Committee Deliberations. As soon as practicable, the
2514 select committee shall consider each count contained in a
2515 Statement of Alleged Violation, in a complaint and findings, or
2516 in a proposed recommended order, as the case may be. A count
2517 shall not be proven unless at least a majority of the members of
2518 the select committee vote for a motion that the count has been
2519 proved. A count that is not proved shall be considered as
2520 dismissed by the select committee.

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2521 (5) Dismissal of Complaint. If the select committee finds
2522 that the respondent has not violated any of the provisions under
2523 jurisdiction of the House, it shall order the action dismissed
2524 and shall notify the respondent and the complainant of such
2525 action. The select committee shall, in writing, state its
2526 findings of fact regarding the dismissal.

2527 (6) Report to the House. If the select committee finds
2528 that the respondent has violated any of the provisions under the
2529 jurisdiction of the House, it shall, in writing, state its
2530 findings of fact and submit a report to the House. A copy of the
2531 report shall be sent to the respondent and the complainant and
2532 shall be published in the *Journal*. With respect to any violation
2533 that the select committee has voted as proved, the select
2534 committee may recommend to the House that the respondent be
2535 penalized as authorized by the Rules of the House.

2536 (g) CONFIDENTIALITY. Any material provided to the House in
2537 response to a complaint filed under this rule that is
2538 confidential under applicable law shall remain confidential and
2539 shall not be disclosed except as authorized by applicable law.
2540 Except as otherwise provided in this subsection, a complaint and
2541 the records relating to a complaint shall be available for
2542 public inspection upon the dismissal of a complaint by the Chair
2543 of the Rules & Calendar Council, a determination as to probable
2544 cause or informal resolution of a complaint by a Special
2545 Investigator or Probable Cause Panel, or the receipt by the
2546 Speaker of a request in writing from the respondent that the
2547 complaint and other records relating to the complaint be made
2548 public records.

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2549 (h) ATTORNEY'S FEES. With respect to complaints filed
2550 against a member, when a panel or a Special Investigator finds
2551 that probable cause does not exist or the select committee finds
2552 that the respondent has not violated any of the provisions of
2553 the House Code of Conduct, Joint Rule One, or a law, rule,
2554 regulation, or other standard of conduct, the panel, the Special
2555 Investigator, or the select committee may recommend to the
2556 Speaker that the reasonable attorney's fees and costs incurred
2557 by the respondent be paid by the House. Payment of such
2558 reasonable fees and costs shall be subject to the approval of
2559 the Speaker.

2560 (i) CONFLICT. If a complaint is filed against the Chair of
2561 the Rules & Calendar Council, the initial review of the
2562 complaint shall be managed by the Speaker or, if designated by
2563 the Speaker, the Speaker pro tempore. If a complaint is filed
2564 against the Speaker, the duties of the Speaker pursuant to this
2565 rule shall be transferred to the Speaker pro tempore.

2566 (j) COLLATERAL ACTIONS

2567 (1) Criminal Actions. Any criminal complaints relating to
2568 members shall be governed by these rules.

2569 (2) Commissions or Quasi-Judicial Agencies with Concurrent
2570 Jurisdiction. If a complaint against a member or an officer of
2571 the House is filed with a commission or quasi-judicial agency
2572 with concurrent jurisdiction, the Chair of the Rules & Calendar
2573 Council, a Probable Cause Panel or a Special Investigator, and
2574 the select committee shall have the discretion to refrain from
2575 processing a similar complaint until such commission or quasi-
2576 judicial agency has completed its review of the matter. If such

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2577 a complaint is filed initially with the Speaker and subsequently
 2578 filed with a commission or quasi-judicial agency with concurrent
 2579 jurisdiction, the Chair of the Rules & Calendar Council, the
 2580 panel, the Special Investigator, and the select committee shall
 2581 have the discretion to suspend their proceedings until all such
 2582 commissions and agencies have completed their review of the
 2583 matter.

2584 (k) *EX PARTE* COMMUNICATIONS

2585 (1) A Special Investigator or a member of a panel or
 2586 select committee shall not initiate or consider any *ex parte*
 2587 communication relative to the merits of a pending complaint
 2588 proceeding by:

2589 a. Any person engaged in prosecution or advocacy in
 2590 connection with the matter; or

2591 b. A party to the proceeding or any person who, directly
 2592 or indirectly, would have a substantial interest in the action
 2593 of a panel, Special Investigator, or select committee, or
 2594 authorized representatives or counsel thereof.

2595 (2) Except when acting in an official capacity as a
 2596 Special Investigator, a member of a panel or a select committee
 2597 shall not comment upon or discuss with any other person the
 2598 matters that occasioned the appointment of the Special
 2599 Investigator, panel, or select committee during the pendency of
 2600 proceedings held pursuant to this rule. This subsection shall
 2601 not apply to communications initiated or considered by the
 2602 Special Investigator or the chair of the panel or select
 2603 committee relating to a settlement or to a consent decree.

2604 (1) TIME LIMITATIONS

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2605 (1) A complaint must be filed with the Speaker within 2
 2606 years after the alleged violation.

2607 (2) A violation of the House Code of Conduct is committed
 2608 when every element necessary to establish a violation of the
 2609 rule has occurred, and time starts to run on the day after the
 2610 violation occurred.

2611 (3) The applicable period of limitation is tolled on the
 2612 day a sworn complaint against the member or officer is filed
 2613 with the Speaker. If it can be concluded from the face of the
 2614 complaint that the applicable period of limitation has run, the
 2615 allegations shall not be considered a complaint for the purpose
 2616 of requiring action by the Chair of the Rules & Calendar
 2617 Council. The complaint and all material related thereto shall
 2618 remain confidential.

2619

2620 Part Three--Ethics and Conduct of Lobbyists

2621

2622 16.3--Lobbyists; Requests for Advisory Opinions

2623 (a) OBLIGATIONS OF A LOBBYIST

2624 (1) A lobbyist shall supply facts, information, and
 2625 opinions of principals to legislators from the point of view
 2626 that the lobbyist openly declares. A lobbyist shall not offer or
 2627 propose anything that may reasonably be construed to improperly
 2628 influence the official act, decision, or vote of a legislator,
 2629 nor shall a lobbyist attempt to improperly influence the
 2630 selection of officers or employees of the House. A lobbyist, by
 2631 personal example and admonition to colleagues, shall maintain
 2632 the honor of the legislative process by the integrity of the

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2633 lobbyist's relationship with legislators as well as with the
2634 principals whom the lobbyist represents.

2635 (2) A lobbyist shall not knowingly and willfully falsify,
2636 conceal, or cover up, by any trick, scheme, or device, a
2637 material fact; make any false, fictitious, or fraudulent
2638 statement or representation; or make or use any writing or
2639 document knowing the same to contain any false, fictitious, or
2640 fraudulent statements or entry.

2641 (3) During a regular session, or any extended or special
2642 session, a lobbyist may not contribute to a member's campaign.

2643 (4) A lobbyist may not make any expenditure prohibited by
2644 s. 11.045(4)(a), Florida Statutes.

2645 (5) No registered lobbyist shall be permitted upon the
2646 floor of the House while it is in session.

2647 (b) ADVISORY OPINIONS; COMPILATION THEREOF. A lobbyist,
2648 when in doubt about the applicability and interpretation of
2649 subsection (a) in a particular context, or any person when in
2650 doubt about the applicability and interpretation of s. 11.045,
2651 s. 112.3148, or s. 112.3149, Florida Statutes, as such statute
2652 or statutes may apply to that person, may request an advisory
2653 opinion under this subsection. Such request shall be in writing,
2654 addressed to the Speaker, and shall contain the relevant facts.
2655 The Speaker shall either refer the issue to the House general
2656 counsel for review and drafting of an advisory opinion of the
2657 Speaker or refer the issue to a committee designated by the
2658 Speaker to have responsibility for the ethical conduct of
2659 lobbyists, and the person requesting the advisory opinion may
2660 appear in person before such committee. The Speaker or this

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2661 committee shall render advisory opinions to the person who seeks
2662 advice as to whether the facts as described in the request and
2663 any supplemental communication would constitute a violation of
2664 such rule or statute by that person. Such opinion, until amended
2665 or revoked, shall be binding upon the House in any proceeding
2666 upon a subsequent complaint concerning the person who sought the
2667 opinion and acted on it in good faith, unless material facts
2668 were omitted or misstated in the request for the advisory
2669 opinion. Upon request of the person who requested the advisory
2670 opinion or any member, the committee designated by the Speaker
2671 to have responsibility for the ethical conduct of lobbyists may
2672 revise any advisory opinion issued by the Speaker or may revise
2673 any advisory opinion issued by the general counsel of the Office
2674 of Legislative Services under Joint Rule 1.8. The House general
2675 counsel or this committee shall make sufficient deletions to
2676 prevent disclosing the identity of persons in the decisions or
2677 opinions. All advisory opinions of the Speaker or this committee
2678 shall be numbered, dated, and published in an annual publication
2679 of the House. The Chief Clerk shall keep a compilation of all
2680 advisory opinions.

2681

2682 16.4--Penalties for Violations

2683 Separately from any prosecutions or penalties otherwise provided
2684 by law, any person determined to have violated the foregoing
2685 requirements of these rules, any provision in Joint Rule One, or
2686 any law, rule, regulation, or other standard of conduct by a
2687 person subject to the provisions of Rule 16.2 or Rule 16.3 may
2688 be reprimanded, censured, prohibited from lobbying for all or

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2689 | any part of the legislative biennium during which the
2690 | recommended order is proposed, or have such other penalty
2691 | imposed as may be appropriate. Such determination shall be made
2692 | by a majority of the House, upon recommendation of the Select
2693 | Committee on Standards of Official Conduct designated under Rule
2694 | 16.2. Any prohibition or other limitation imposed by the House
2695 | may be continued for up to a total of 2 years by a determination
2696 | made by a majority of the House at or following the Organization
2697 | Session following the biennium during which such prohibition or
2698 | other limitation was imposed.