

The Rules



Florida House of Representatives

2006-2008

Marco Rubio, Speaker

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As Corrected by Direction of the House Parliamentarian

TABLE OF CONTENTS

RULE ONE—LEGISLATIVE ORGANIZATION	1
1.1—Officers of the House	1
1.2—Political Party Conferences	1
1.3—Seating Challenges	1
RULE TWO—POWERS, DUTIES, AND RIGHTS OF THE SPEAKER	3
2.1—Presiding	3
2.2—Interpreting Rules	3
2.3—Deciding Questions of Order	3
2.4—Execution of Documents	4
2.5—Appointment of a Temporary Presiding Officer	4
2.6—Protecting the Interests of the House	4
2.7—Control of House Facilities	4
RULE THREE—MEMBERS	5
3.1—Membership	5
3.2—Voting Obligation	5
3.3—Attendance Obligation	5
3.4—Open Meetings	6
RULE FOUR—DUTIES OF PARLIAMENTARIAN, CHIEF CLERK, SERGEANT AT ARMS, AND EMPLOYEES	7
4.1—The Parliamentarian	7
4.2—The Chief Clerk	7
4.3—The Sergeant at Arms	7
4.4—The Employees	7
RULE FIVE—FORM AND INTRODUCTION OF BILLS	9
5.1—"Bill" Stands for All Legislation	9
5.2—Member Bill Filing Deadline	9
5.3—Limitation on Member Bills Filed	9
5.4—Forms of Measures; Sponsorship Transactions	9
5.5—Local Bills	10
5.6—Claim Bills	10
5.7—Reviser's Bills	11
5.8—Memorials	11
5.9—House Resolutions; Concurrent Resolutions; Tributes	11
5.10—Bills Filed During an Interim	12
5.11—Requirements for Introduction	12
5.12—Identification	12
5.13—Companion Measures	12
RULE SIX—REFERENCE	15
6.1—Speaker to Refer Legislation	15

6.2—Reference: Generally	15
6.3—Reference: Exception; Additional References	15
6.4—Reference of Resolutions, Concurrent Resolutions: Exception	15
6.5—Appropriations or Tax Measures: Withdrawal from Policy & Budget Council; Additional Reference.....	15
6.6—Reference of Veto Messages.....	16
6.7—Council Chair May Refer to Committee.....	16
RULE SEVEN—COUNCILS AND COMMITTEES	17
PART ONE—Organization	17
7.1—Standing Councils and Committees	17
7.2—Council and Committee Appointments.....	18
7.3—Powers of the Chair.....	18
7.4—Absence of the Chair.....	18
7.5—Term of Appointment	19
7.6—Creation of Select Committees	19
7.7—Ex officio Members	19
7.8—Meetings of Councils and Committees	19
7.9—Consideration of Proposed Council Bills.....	19
7.10—Conference Committees.....	20
PART TWO—Procedures in Councils and Committees	20
7.11—Scheduling Council and Committee Meetings	20
(a) <i>Notice of Council and Committee Meetings</i>	20
(b) <i>Content of Meeting Notice</i>	20
(c) <i>Proposed Bills to be Available</i>	20
(d) <i>Notice Deadline between Sessions</i>	21
(e) <i>Notice Deadlines during Sessions</i>	21
(f) <i>Notice of Not Meeting</i>	21
(g) <i>Amended Notice and Cancellation</i>	21
(h) <i>Chief Clerk Duties</i>	21
(i) <i>Continuation after Noticed Time</i>	21
(j) <i>Rules & Calendar Council Exempt from Notice Deadline</i>	21
7.12—Amendment Deadlines in Council and Committee	21
7.13—Quorum of Council or Committee	22
7.14—Meeting during House Sessions.....	22
7.15—Voting in Council or Committee	22
7.16—Reconsideration in Council or Committee.....	22
7.17—Reports on Bills	23
7.18—Bill Reported Unfavorably by a Committee within a Council.....	23
7.19—Council Substitutes	23
7.20—Subpoena Powers.....	24
7.21—Administration of Oaths.....	24
7.22—Procedure in Conference Committees	24
7.23—Open Meetings; Decorum.....	24
PART THREE—Oversight Powers and Responsibilities.....	24

7.24—Oversight Powers and Responsibilities of Standing Councils and Committees	24
RULE EIGHT—DEBATE AND CHAMBER PROTOCOL	27
PART ONE—Privilege of the Floor.....	27
8.1—Privilege of the Floor	27
PART TWO—Speaking	27
8.2—Addressing the House; Requirements to Spread Remarks upon the Journal	27
8.3—When Two Members Rise at Once	27
8.4—Recognition of Members	28
8.5—Recognition of Gallery Visitors and Doctor of the Day	28
PART THREE—Debate	28
8.6—Decorum	28
8.7—Speaking and Debate; Right to Close	28
8.8—Right to Open and Close Debate.....	28
PART FOUR—Materials and Meals in Chamber	29
8.9—Distribution of Materials in Chamber; Meals in Chamber	29
PART FIVE—Miscellaneous Papers.....	29
8.10—Miscellaneous Papers.....	29
RULE NINE—VOTING.....	31
9.1—Members Shall Vote	31
9.2—Taking the Yeas and Nays	31
9.3—Vote of the Speaker or Temporary Presiding Officer	31
9.4—Votes After Roll Call; Finality of a Roll Call Vote	31
9.5—No Member to Vote for Another except by Request	32
9.6—Explanation of Vote	32
RULE TEN—ORDER OF BUSINESS AND CALENDARS.....	33
PART ONE—Order of Business	33
10.1—Daily Sessions.....	33
10.2—Daily Order of Business.....	33
10.3—Chaplain to Offer Prayer.....	34
10.4—Quorum	34
10.5—Consideration of Senate Messages: Generally.....	34
PART TWO—Readings	34
10.6—"Reading" Defined.....	34
10.7—Reading of Bills and Joint Resolutions.....	34
10.8—Reading of Concurrent Resolutions and Memorials	34
10.9—Reading of House Resolutions.....	34
10.10—Measures on Third Reading.....	34
PART THREE—Calendars	35
10.11—Special Order Calendar.....	35
(a) <i>Regular Session</i>	35

(b) <i>Extended or Special Session</i>	35
(c) <i>Special Floor Procedures</i>	36
10.12—Consideration of Bills Not on Special Order	36
10.13—Consent Calendar	36
10.14—Requirements for Placement on Special Order	36
10.15—Informal Deferral of Bills	36
PART FOUR—Ceremonial Resolutions	36
10.16—Ceremonial Resolutions Published in Journal	36
PART FIVE—Procedural Limitations in Final Week	37
10.17—Consideration Limits to Bills after Day 55	37
10.18—Consideration Limits after Day 58	37
RULE ELEVEN—MOTIONS	39
11.1—Motions; How Made	39
11.2—Precedence of Motions During Debate	39
11.3—Questions of Order Decided without Debate	39
11.4—Division of Question	39
11.5—Motion to Recess to a Time Certain	39
11.6—Motion to Lay on the Table	40
11.7—Motion to Reconsider; Immediate Certification of Bills	40
11.8—Motion for the Previous Question	41
11.9—Motion to Limit Debate	41
11.10—Motion to Temporarily Postpone	42
11.11—Motion to Withdraw or Refer a Bill	42
11.12—Motion to Refer or Recommit	43
11.13—Dilatory Motions	43
11.14—Withdrawal of Motion	43
RULE TWELVE—AMENDMENTS	45
12.1—Form	45
12.2—Filing Deadlines for Floor Amendments	45
12.3—Presentation and Consideration	45
12.4—Second and Third Reading; Vote Required on Third Reading	46
12.5—Amendment of General Appropriations Bill	46
12.6—Consideration of Senate Amendments	47
12.7—Motion to Amend by Removing Enacting or Resolving Clause	47
12.8—Germanity of House Amendments	47
12.9—Amendments Out of Order	48
12.10—Printing of Amendments in Journal	49
RULE THIRTEEN—RULES	51
13.1—Parliamentary Authorities	51
13.2—Standing Rules Amendment	51
13.3—Rules Apply for Term	51
13.4—Joint Rules	51

13.5—Authority and Interpretation	51
13.6—Majority Action.....	52
13.7—Extraordinary Action	52
13.8—"Days" Defined.....	52
RULE FOURTEEN—MISCELLANEOUS PROVISIONS.....	53
PART ONE—Public Records.....	53
14.1—Legislative Records.....	53
14.2—Legislative Records; Maintenance, Control, Destruction, Disposal, and Disposition.....	53
PART TWO—Distribution of Documents; Display of Signs.....	54
14.3—Distribution of Documents.....	54
14.4—Display of Signs, Placards, and the Like	54
PART THREE—House Seal	54
14.5—House Seal	54
RULE FIFTEEN— ETHICS AND CONDUCT OF MEMBERS	55
15.1—Legislative Ethics and Official Conduct.....	55
15.2—The Integrity of the House	55
15.3—Improper Influence; Solicitation of Campaign Contributions	55
15.4—Ethics; Conflicting Employment	55
15.5—Use of Official Position	56
15.6—Use of Information Obtained by Reason of Official Position.....	56
15.7—Representation of Another Before a State Agency	56
15.8—Advisory Opinions.....	56
15.9—Penalties for Violations.....	56
15.10—Felony Indictment or Information of a Member	57
15.11—Felony Guilty Plea of a Member.....	57
15.12—Felony Conviction of a Member.....	57
RULE SIXTEEN—PROCEDURES FOR LEGAL PROCEEDINGS.....	59
PART ONE—Committees Conducting Legal Proceedings.....	59
16.1—Procedures for Committees Conducting Legal Proceedings.....	59
(a) <i>Issuance of Subpoena</i>	59
(b) <i>Contempt Proceedings</i>	59
(c) <i>False Swearing</i>	60
(d) <i>Rights of Witnesses</i>	60
(e) <i>Right of Other Persons to be Heard</i>	61
(f) <i>Enforcement Of Subpoena Out Of Session</i>	61
PART TWO—Complaints against Members and Officers of the House, Lobbyists, and Other Persons	62
16.2—Complaints against Members and Officers of the House, Lobbyists, and Other Persons; Procedure.....	62
(a) <i>Form and Content of a Complaint</i>	62
(b) <i>Filing and Initial Processing of Complaints</i>	62
(c) <i>Appointment of Probable Cause Panel or Special Investigator</i>	63

(d) Preliminary Investigation and Probable Cause Finding by Probable Cause Panel or Special Investigator.....	64
(e) Select Committee on Standards of Official Conduct.....	65
(f) Adjudicatory Hearing by Select Committee	66
(g) Confidentiality.....	69
(h) Attorney's Fees.....	69
(i) Conflict.....	69
(j) Collateral Actions.....	69
(k) Ex Parte Communications	70
(l) Time Limitations.....	70
PART THREE—Ethics and Conduct of Lobbyists	70
16.3—Lobbyists; Requests for Advisory Opinions	70
(a) Obligations of a Lobbyist	70
(b) Advisory Opinions; Compilation Thereof.....	71
16.4—Penalties for Violations.....	72

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

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

1.2—Political Party Conferences

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

1.3—Seating Challenges

In the case of a contest for a seat in the House, notice setting forth the specific grounds of such contest and the supporting evidence must have been received by the Chief Clerk not less than 5 days before the organization session of the Legislature. No motion to disqualify a member shall be in order at the organization session until a Speaker has been elected in accordance with the Florida Constitution. In the case of a special election, notice must have been received by the Chief Clerk not less than 5 days before the next regular or special session convenes. If the election is during a session or less than 5 days before the next session, the notice must have been received on the next legislative day following the receipt of certified election results. A contest setting forth facts sufficient to warrant review shall be referred by the Speaker to an appropriate council or committee. The council or committee shall conduct hearings as required and report its findings and recommendations to the House. Upon receipt of the council or committee report, the House shall convene with all dispatch to determine the contest by a majority vote.

RULE TWO—POWERS, DUTIES, AND RIGHTS OF THE SPEAKER

2.1—Presiding

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

2.2—Interpreting Rules

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

2.3—Deciding Questions of Order

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

(b) **QUESTIONS OF ORDER ARISING IN COUNCIL OR COMMITTEE.** A question of order may be certified by a council or committee chair to the Speaker for determination as any other question of order. A question of order decided in council or committee may be appealed to the Speaker, provided the appeal is announced in the council or committee meeting, presented in writing, signed by two members of the council or committee, and delivered to the applicable chair prior to 4:30 p.m. the next day (excluding Saturdays, Sundays, and official state holidays). The appeal must then be immediately certified by the chair to the Speaker, who shall decide the question as any other question of order. The certification or appeal of a question arising in council or committee does not constitute an automatic stay of further action on the measure to which the question relates.

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

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

2.4—Execution of Documents

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

2.5—Appointment of a Temporary Presiding Officer

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

2.6—Protecting the Interests of the House

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

2.7—Control of House Facilities

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

RULE THREE—MEMBERS

3.1—Membership

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

3.2—Voting Obligation

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

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

(b) **DISCLOSURE ON MATTERS OF SPECIAL PRIVATE GAIN TO FAMILY OR PRINCIPALS.** When voting on any measure that the member knows or believes would inure to the special private gain of a family member of the member or to the special private gain of any principal by whom the member or a family member of the member is retained or employed, a member must disclose the nature of the interest of such person in the outcome of the vote. For the purpose of this rule, family members include the member's spouse, parents, and children.

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

3.3—Attendance Obligation

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

(b) **SESSION ATTENDANCE**

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

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

3.4—Open Meetings

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

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

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

RULE FOUR—DUTIES OF PARLIAMENTARIAN, CHIEF CLERK, SERGEANT AT ARMS, AND EMPLOYEES

4.1—The Parliamentarian

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

4.2—The Chief Clerk

The Chief Clerk serves at the pleasure of the Speaker. The Chief Clerk shall perform the ministerial duties assigned by the Speaker. The duties shall include keeping and publishing a correct *Journal* of House proceedings, publishing other House documents, attesting to all necessary documents, and supervising the custody of all legislation, records, and documents of the House.

4.3—The Sergeant at Arms

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

4.4—The Employees

The Speaker shall employ all employees of the House and shall determine their qualifications, duties, hours of work, and compensation, including perquisites and other benefits. All employees work for and serve at the pleasure of the Speaker. The Speaker has the right to dismiss any employee of the House without cause, and the pay of such employee shall stop on the designated day of dismissal. Except when operating under direction from a member with authority over the designated employee, no House employee shall seek to influence the passage or rejection of proposed legislation.

RULE FIVE—FORM AND INTRODUCTION OF BILLS

5.1—"Bill" Stands for All Legislation

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

5.2—Member Bill Filing Deadline

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

5.3—Limitation on Member Bills Filed

(a) A member may not file more than six bills for a regular session. Of the six bills, at least two must be approved for filing with the Chief Clerk no later than noon of the 6th Tuesday prior to the first day of the regular session. For purposes of this rule, the member considered to have filed a bill is the first-named sponsor of the bill.

(b) Bills not counted toward these limits include:

- (1) Local bills, including local claim bills.
- (2) Ceremonial House resolutions.
- (3) Memorials.
- (4) Concurrent resolutions relating to extension of a session or legislative organization or procedures.
- (5) Trust fund bills adhering to another bill.
- (6) Public records or public meetings exemption bills adhering to another bill.
- (7) General bills adhering to a joint resolution.
- (8) Bills that only repeal or delete, without substantive replacement, provisions of the Florida Statutes or Laws of Florida.
- (9) Bills withdrawn from further consideration prior to the applicable filing deadline.

5.4—Forms of Measures; Sponsorship Transactions

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

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

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

5.5—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 committees.

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

5.7—*Reviser's Bills*

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

5.8—*Memorials*

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

5.9—*House Resolutions; Concurrent Resolutions; Tributes*

(a) All House resolutions and all concurrent resolutions originating in the House shall contain a title and a resolving clause. In the case of House resolutions, the resolving clause shall be "Be It Resolved by the House of Representatives of the State of Florida:". In the case of concurrent resolutions originating in the House, the resolving clause shall be "Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:". Concurrent resolutions originating in the House shall present only questions pertaining to extension of a session, enactment of joint rules, ratification of federal constitutional amendments, communications with the judiciary, actions taken pursuant to federal law not requiring gubernatorial approval, or other exclusively legislative matters.

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

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

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

5.10—Bills Filed During an Interim

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

5.11—Requirements for Introduction

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

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

5.12—Identification

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

5.13—Companion Measures

A companion Senate bill must be substantially similar in wording, and identical as to specific intent and purpose, to the House bill for which it is being substituted. Whenever a House bill is reached on the floor for consideration, either on second or third reading, and there is also pending on the Calendar of the House a companion bill already passed by the Senate, it shall be in order to move that the Senate companion bill be substituted and considered in lieu of the House bill. Such motion may be adopted by a majority vote, provided the Senate bill is on the same reading; otherwise, the motion shall be to waive the rules by a two-thirds vote and substitute such Senate bill. At the moment the

House substitutes the Senate companion bill or takes up a Senate bill in lieu of a House bill, the House bill so replaced shall be automatically tabled.

RULE SIX—REFERENCE

6.1—Speaker to Refer Legislation

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

6.2—Reference: Generally

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

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

6.3—Reference: Exception; Additional References

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

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

6.4—Reference of Resolutions, Concurrent Resolutions: Exception

Resolutions on House organization and concurrent resolutions pertaining to extension of the session may be taken up upon motion and adopted at the time of introduction without reference.

6.5—Appropriations or Tax Measures:

Withdrawal from Policy & Budget Council; Additional Reference

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

(b) If an amendment adopted on the floor of the House affects an appropriation or a tax matter, upon a point of order made by the Chair or Vice Chair of the Policy & Budget Council, the bill may be referred by the Speaker, with the amendment, to an appropriate council. If the bill, as amended on the floor, is reported favorably without further amendment, it shall be returned to the same reading as when referred. If the bill, as amended on the floor, is

reported favorably with further amendment, it shall be returned to second reading.

6.6—Reference of Veto Messages

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

6.7—Council Chair May Refer to Committee

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

RULE SEVEN—COUNCILS AND COMMITTEES

PART ONE—Organization

7.1—Standing Councils and Committees

(a) The following standing councils, and the standing committees within their respective jurisdictions, are established:

- (1) Economic Expansion & Infrastructure Council.
 - a. Committee on Economic Development.
 - b. Committee on Ethics & Elections.
 - c. Committee on Infrastructure.
 - d. Committee on Tourism & Trade.
- (2) Environment & Natural Resources Council.
 - a. Committee on Agribusiness.
 - b. Committee on Conservation & State Lands.
 - c. Committee on Energy.
 - d. Committee on Environmental Protection.
- (3) Government Efficiency & Accountability Council.
 - a. Committee on Audit & Performance.
 - b. Committee on Military & Veterans' Affairs.
 - c. Committee on State Affairs.
 - d. Committee on Urban & Local Affairs.
- (4) Healthcare Council.
 - a. Committee on Health Innovation.
 - b. Committee on Health Quality.
 - c. Committee on Healthy Families.
 - d. Committee on Healthy Seniors.
- (5) Jobs & Entrepreneurship Council.
 - a. Committee on Business Regulation.
 - b. Committee on Financial Institutions.
 - c. Committee on Insurance.
 - d. Committee on Utilities & Telecommunications.
- (6) Policy & Budget Council.
- (7) Rules & Calendar Council.
- (8) Safety & Security Council.
 - a. Committee on Constitution & Civil Law.

- b. Committee on Courts.
- c. Committee on Homeland Security & Public Safety.
- d. Committee on Juvenile Justice.
- (9) Schools & Learning Council.
 - a. Committee on Education Innovation & Career Preparation.
 - b. Committee on K-12.
 - c. Committee on Postsecondary Education.
 - d. Committee on 21st Century Competitiveness.

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

7.2—Council and Committee Appointments

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

7.3—Powers of the Chair

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

7.4—Absence of the Chair

In the absence of the chair and all co-chairs, the vice chair, if any, shall assume the duty to convene and preside over meetings and such other duties as the Speaker may assign, unless a temporary chair has been appointed by the Speaker. During a meeting properly convened, the presiding chair, vice chair, or temporary chair may temporarily assign the duty to preside at that meeting to

another council or committee member until the assignment is relinquished or revoked.

7.5—*Term of Appointment*

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

7.6—*Creation of Select Committees*

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

7.7—*Ex officio Members*

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

7.8—*Meetings of Councils and Committees*

Councils and committees shall meet only within the dates, times, and locations designated or authorized by the Speaker. Councils shall meet at the call of the chair. Committees shall meet at the call of the chair, provided that a committee within a council shall meet only with the approval of the council chair. Subcommittees shall meet at the call of the chair.

7.9—*Consideration of Proposed Council Bills*

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

7.10—Conference Committees

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

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

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

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

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

PART TWO—Procedures in Councils and Committees

7.11—Scheduling Council and Committee Meetings

(a) **Notice of Council and Committee Meetings.** Any council or committee meeting to be held for the purpose of considering legislation must be noticed. The council or committee administrative assistant shall provide electronic or paper copies of the notice to the Chief Clerk for publication and to the House Majority Office, the House Minority Office, the members of the council or committee, and the first-named sponsor of each bill noticed.

(b) **Content of Meeting Notice.** The notice shall state the date, time, and place of the meeting and, for each bill to be considered, the bill or proposed bill number and a portion of the title sufficient for identification. Except as provided below with respect to council substitutes and bills retained on reconsideration under Rules 7.16 and 7.19, only such bills as are included on the written notice of a council or committee meeting may be considered at that meeting.

(c) **Proposed Bills to be Available.** A copy of each proposed bill noticed for consideration must be available to each council or committee member no later than the time of providing notice of the meeting.

(d) Notice Deadline between Sessions. During the period when the Legislature is not in session, before any council or committee holds a meeting for the purpose of considering legislation a notice of such meeting shall be provided no later than 4:30 p.m. of the 7th day before the meeting.

(e) Notice Deadlines during Sessions. During the first 45 days of a regular session, notice shall be provided no later than 4:30 p.m. of the 2nd day (excluding Saturdays, Sundays, and official state holidays) before the council or committee meeting for the purpose of considering legislation. After the 45th day of a regular session and during any extended or special session, the notice shall be provided no later than 2 hours before the council or committee meeting.

(f) Notice of Not Meeting. If a council is authorized and scheduled for a meeting by the Speaker but does not plan to meet, a notice stating that no meeting will be held shall be provided in the time and manner of noticing a meeting. A council may include in its meeting notice a notation indicating committees in the council that will not be meeting during the authorized time. A committee must only notice "Not Meeting" if the committee has been specifically authorized and scheduled for a meeting by the Speaker and does not plan to meet.

(g) Amended Notice and Cancellation. At any time prior to a noticed meeting, a bill or other item may be removed from a meeting notice or the meeting may be cancelled by providing an amended notice.

(h) Chief Clerk Duties. The Chief Clerk shall promptly publish the content of meeting notices in accordance with policies approved by the Speaker.

(i) Continuation after Noticed Time. If the majority of council or committee members present agree, a council or committee may continue the consideration of properly noticed legislation after the expiration of the time called for the meeting or may temporarily recess to continue the meeting at a time and place certain on the same day. However, a council or committee may not meet beyond the time authorized or in a place not authorized by the Speaker without special leave granted by the Speaker. Furthermore, a committee within a council may not meet beyond the time authorized by its council chair without special leave granted by the council chair.

(j) Rules & Calendar Council Exempt from Notice Deadline. The Rules & Calendar Council shall be exempt from the notice deadlines of this rule except when meeting to consider the substance of legislation.

7.12—Amendment Deadlines in Council and Committee

Amendments may be offered in any council or committee by any member of the House provided that an amendment by a member who is not a member of the council or committee considering the bill shall be filed by 6 p.m. of the day

(excluding Saturdays, Sundays, and official state holidays) prior to the council or committee meeting or 1 hour prior to the time for the meeting set in the notice if less than 24 hours' notice of consideration of the bill is provided.

7.13—*Quorum of Council or Committee*

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

7.14—*Meeting during House Sessions*

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

7.15—*Voting in Council or Committee*

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

(b) Absent members may submit an indication of how they would have voted had the member been present, but this shall not be counted on a roll call. Such votes after roll call shall be attached to the council or committee report when filed.

7.16—*Reconsideration in Council or Committee*

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

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

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

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

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

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

(f) If a bill is not retained under subsection (b), it shall be promptly reported to the Chief Clerk.

7.17—Reports on Bills

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

7.18—Bill Reported Unfavorably by a Committee within a Council

A bill reported unfavorably by a committee within a council shall also be reported unfavorably by the council following the next meeting of the council unless the council, at such meeting, by a majority vote, approves a motion to take the bill from the table. If the motion is approved, the council chair may further refer the bill or, if properly noticed, the council may proceed to consider the bill.

7.19—Council Substitutes

A council may introduce a council substitute embracing the same general subject matter of one or more bills in possession of the council. If the original bill or bills are noticed, no further notice is required. If a proposed council substitute is noticed in the manner required for a proposed council bill, the original bill or bills need not be noticed. Upon the reporting of a council substitute, the original bill or bills shall be laid on the table of the House. A council substitute shall be read a first time and be subject to referral by the Speaker on the day it is reported by the council provided it is approved for filing by 6 p.m., or no later than the following day (excluding Saturdays, Sundays, and official state holidays) if approved for filing after 6 p.m. A committee within a council may recommend, but may not introduce, a council substitute.

7.20—*Subpoena Powers*

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

7.21—*Administration of Oaths*

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

7.22—*Procedure in Conference Committees*

Conference committee meeting notices shall be published not less than 2 hours prior to the time scheduled for the meeting, provided that after the 50th day of the regular session and during any extended or special session the notice period shall be 1 hour prior to the time scheduled for the meeting. Each conference committee may determine its own procedures and select a member to preside, provided a majority of managers of each house agree.

7.23—*Open Meetings; Decorum*

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

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

PART THREE—Oversight Powers and Responsibilities

7.24—*Oversight Powers and Responsibilities of Standing Councils and Committees*

(a) Each standing council and committee is authorized to exercise all powers authorized for committees pursuant to s. 11.143, Florida Statutes, to carry out oversight responsibilities within its respective subject matter jurisdiction. For purposes of this rule, the Speaker shall determine the subject matter jurisdiction of each council and committee.

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

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

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

RULE EIGHT—DEBATE AND CHAMBER PROTOCOL

PART ONE—Privilege of the Floor

8.1—Privilege of the Floor

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

(b) **PRIVILEGED GUESTS.** The Governor, the Lieutenant Governor, the Chief Financial Officer, the Attorney General, the Commissioner of Agriculture, members of the Senate, Justices of the Supreme Court, former members of the House, the Doctor of the Day, and the Guest Chaplain are granted the privilege of the floor; however, no registered lobbyist may be so admitted.

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

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

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

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

PART TWO—Speaking

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

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

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

8.3—When Two Members Rise at Once

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

8.4—*Recognition of Members*

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

8.5—*Recognition of Gallery Visitors and Doctor of the Day*

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

PART THREE—Debate

8.6—*Decorum*

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

8.7—*Speaking and Debate; Right to Close*

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

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

8.8—*Right to Open and Close Debate*

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

PART FOUR—Materials and Meals in Chamber

8.9—Distribution of Materials in Chamber; Meals in Chamber

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

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

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

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

PART FIVE—Miscellaneous Papers

8.10—Miscellaneous Papers

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

RULE NINE—VOTING

9.1—Members Shall Vote

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

9.2—Taking the Yeas and Nays

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

9.3—Vote of the Speaker or Temporary Presiding Officer

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

9.4—Votes After Roll Call; Finality of a Roll Call Vote

(a) After the result of a roll call has been announced, a member may submit to the Chief Clerk an indication of how the member would have voted or would have voted differently. The Chief Clerk shall provide forms for the recording of these actions. When timely made, these requests shall be shown beneath the roll call in the *Journal*. Otherwise, the request shall be shown separately in the *Journal*.

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

9.5—No Member to Vote for Another except by Request

(a) No member may vote for another member except at the other member's specific request when absent from his or her seat but present elsewhere in the Chamber, nor may any person who is not a member cast a vote for a member.

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

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

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

9.6—Explanation of Vote

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

RULE TEN—ORDER OF BUSINESS AND CALENDARS

PART ONE—Order of Business

10.1—Daily Sessions

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

10.2—Daily Order of Business

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

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

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

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

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

10.3—Chaplain to Offer Prayer

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

10.4—Quorum

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

10.5—Consideration of Senate Messages: Generally

Senate messages may be considered by the House at the time and in the order determined by the Speaker.

PART TWO—Readings

10.6—"Reading" Defined

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

10.7—Reading of Bills and Joint Resolutions

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

10.8—Reading of Concurrent Resolutions and Memorials

Concurrent resolutions and memorials shall be read on 2 separate days prior to a voice vote upon adoption, except that concurrent resolutions extending a legislative session or involving other procedural legislative matters may be read twice without motion on the same legislative day.

10.9—Reading of House Resolutions

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

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

10.10—Measures on Third Reading

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

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

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

PART THREE—Calendars

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.

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

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

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

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

(c) Special Floor Procedures. Upon the joint recommendation of the Majority Leader and the Minority Leader, the Rules & Calendar Council may recommend special floor procedures for the management of amendments and debate on a particular bill, on second and third readings, which procedures may include limitations on amendments and debate. Such procedures may not be implemented unless approved by a majority vote in session.

10.12—Consideration of Bills Not on Special Order

A bill not included on the Special Order Calendar may be considered by the House upon a two-thirds vote.

10.13—Consent Calendar

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

10.14—Requirements for Placement on Special Order

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

10.15—Informal Deferral of Bills

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

PART FOUR—Ceremonial Resolutions

10.16—Ceremonial Resolutions Published in Journal

Upon approval of the Chair of the Rules & Calendar Council, a ceremonial resolution may be shown as read and adopted by publication in full in the *Journal*. The Rules & Calendar Council shall distribute a list of such

resolutions 1 day (excluding Saturdays, Sundays, and official state holidays) prior to the day of their publication, during which time any member may file an objection with the Rules & Calendar Council to any resolution listed. Each resolution for which an objection has been filed shall be removed from the list and placed on the Calendar of the House. All resolutions without objections shall be printed on the next legislative day in the *Journal* and considered adopted by the House.

PART FIVE—Procedural Limitations in Final Week

10.17—Consideration Limits to Bills after Day 55

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

10.18—Consideration Limits after Day 58

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

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

RULE ELEVEN—MOTIONS

11.1—Motions; How Made

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

11.2—Precedence of Motions During Debate

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

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

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

11.5—Motion to Recess to a Time Certain

A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that the motion is debatable when no business is before the

House and can be amended as to the time to recess and duration of the recess. It yields only to a motion to adjourn.

11.6—Motion to Lay on the Table

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

11.7—Motion to Reconsider; Immediate Certification of Bills

(a) When a motion or main question has been made and carried or lost, it shall be in order at any time as a matter of right on the same or succeeding legislative day for a member voting with the prevailing side, or for any member in the case of a voice or tie vote, to move for reconsideration thereof.

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

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

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

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

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

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

(h) The Chief Clerk shall retain possession of all bills and joint resolutions for the period after passage during which reconsideration may be

moved, except that local bills, concurrent resolutions, and memorials shall be transmitted to the Senate without delay.

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

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

11.8—Motion for the Previous Question

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

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

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

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

11.9—Motion to Limit Debate

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

11.10—Motion to Temporarily Postpone

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

11.11—Motion to Withdraw or Refer a Bill

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

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

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

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

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

(f) A motion to withdraw a bill from further consideration of the House shall require a two-thirds vote.

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

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

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

11.12—Motion to Refer or Recommit

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

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

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

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

11.13—Dilatory Motions

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

11.14—Withdrawal of Motion

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

RULE TWELVE—AMENDMENTS

12.1—Form

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

12.2—Filing Deadlines for Floor Amendments

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

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

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

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

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

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

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

12.3—Presentation and Consideration

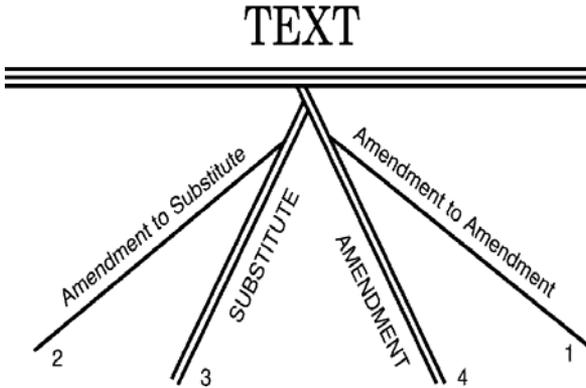
(a) Amendments shall be taken up only as sponsors gain recognition from the Speaker to move their adoption, except that the chair of the council (or any member thereof designated by the chair) reporting the measure under consideration shall have preference for the presentation of council amendments to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

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

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

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

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



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

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

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

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

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

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

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

12.5—Amendment of General Appropriations Bill

Whenever an amendment is offered to a general appropriations bill that would increase any line item of such bill, such amendment shall show the amount of the increase by line item and by section and shall, from within the same

appropriations allocation and suballocation, as determined by the Speaker, decrease one or more line items or sections in an amount equivalent to or greater than the increase required by the amendment.

12.6—Consideration of Senate Amendments

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

- (1) Amend the Senate amendment.
- (2) Concur in the Senate amendment.
- (3) Refuse to concur and ask the Senate to recede.

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

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

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

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

12.7—Motion to Amend by Removing Enacting or Resolving Clause

An amendment to remove the enacting clause of a bill or the resolving clause of a resolution or memorial shall, if carried, be considered equivalent to rejection of the bill, resolution, or memorial by the House.

12.8—Germanity of House Amendments

(a) GERMANITY

(1) Neither the House nor any council or committee shall consider an amendment that relates to a different subject or is intended to accomplish a different purpose than that of the pending question or that, if adopted, would

require a title amendment for the bill that is substantially different from the bill's original title or that would unreasonably alter the nature of the bill.

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

(3) An amendment of the second degree or a substitute amendment must be germane to both the main amendment and the measure to which it adheres.

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

(1) A general proposition amending a specific proposition.

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

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

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

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

(1) A specific provision amending a general provision.

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

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

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

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

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

12.9—Amendments Out of Order

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

(a) Received an unfavorable council report,

(b) Been withdrawn from further consideration, or

(c) Not been reported favorably by at least one council of reference,

and may not be offered to a bill on the Calendar of the House and under consideration by the House. Any amendment that is substantially the same, and

identical as to specific intent and purpose, as the measure residing in the council or councils of reference is covered by this rule.

12.10—Printing of Amendments in Journal

All amendments taken up, unless withdrawn, shall be printed in the *Journal*, except that an amendment to a general appropriations bill constituting an entirely new bill shall not be printed except upon consideration of the conference committee report.

RULE THIRTEEN—RULES

13.1—Parliamentary Authorities

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

13.2—Standing Rules Amendment

Any standing rule may be rescinded or changed by a majority vote of the members, provided that the proposed change or changes be submitted at least 1 day in advance by the Rules & Calendar Council in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds vote of the members present, except as otherwise provided in these rules.

13.3—Rules Apply for Term

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

13.4—Joint Rules

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

13.5—Authority and Interpretation

These rules are adopted pursuant to the specific authority granted and the inherent powers vested in the House of Representatives by the Florida Constitution. These rules are intended to facilitate the orderly, practical, and efficient completion of legislative work undertaken by the House. These rules shall govern procedures in the House notwithstanding any inconsistent parliamentary tradition and notwithstanding any joint rule or any statute enacted by a prior Legislature. Adoption of these rules constitutes the determination of the House that they do not violate any express regulation or limitation contained in the Florida Constitution. These rules may not be construed to limit any of the powers, rights, privileges, or immunities vested in or granted to the House by the Florida Constitution or other organic law.

13.6—Majority Action

Unless otherwise indicated by these rules, all action by the House or its councils or committees shall be by majority vote of those members present and voting. When the body is equally divided, the question is defeated.

13.7—Extraordinary Action

Unless otherwise required by these rules or the Florida Constitution, all extraordinary votes shall be by vote of those members present and voting.

13.8—"Days" Defined

Wherever used in these rules, a "legislative day" means a day when the House convenes and a quorum is present. All other references to a "day" mean a calendar day.

RULE FOURTEEN—MISCELLANEOUS PROVISIONS

PART ONE—Public Records

14.1—Legislative Records

There shall be available for public inspection, whether maintained in Tallahassee or in a district office, the papers and records developed and received in connection with official legislative business, except as provided in 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 to the Speaker the decision to deny access.

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

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

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

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

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

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

council, committee, or office, if any. Otherwise, such records shall be forwarded to the Chief Clerk.

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

PART TWO—Distribution of Documents; Display of Signs

14.3—Distribution of Documents

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

14.4—Display of Signs, Placards, and the Like

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

PART THREE—House Seal

14.5—House Seal

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

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

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

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

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

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

RULE FIFTEEN— ETHICS AND CONDUCT OF MEMBERS

15.1—Legislative Ethics and Official Conduct

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

15.2—The Integrity of the House

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

15.3—Improper Influence; Solicitation of Campaign Contributions

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

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

15.4—Ethics; Conflicting Employment

A member shall:

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

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

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

15.5—Use of Official Position

A member may not corruptly use or attempt to use the member's official position in a manner contrary to the trust or authority placed in the member, either by the public or by other members, for the purpose of securing a special privilege, benefit, or exemption for the member or for others.

15.6—Use of Information Obtained by Reason of Official Position

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

15.7—Representation of Another Before a State Agency

A member may not personally represent another person or entity for compensation before any state agency other than a judicial tribunal. For the purposes of this rule, "state agency" means any entity of the legislative or executive branch of state government over which the Legislature exercises plenary budgetary and statutory control.

15.8—Advisory Opinions

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

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

15.9—Penalties for Violations

Separately from any prosecutions or penalties otherwise provided by law, any member determined to have violated the requirements of these rules relating to ethics or member conduct shall be fined, censured, reprimanded, placed on probation, or expelled or have such other lesser penalty imposed as may be

appropriate. Such determination and disciplinary action shall be taken by a two-thirds vote of the House, except that expulsions shall require two-thirds vote of the membership, upon recommendation of the Select Committee on Standards of Official Conduct designated under Rule 16.2.

15.10—Felony Indictment or Information of a Member

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

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

15.11—Felony Guilty Plea of a Member

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

15.12—Felony Conviction of a Member

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

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

(c) If the final appellate decision is to sustain the conviction, then the member's suspension shall continue to the end of the member's term. If the final appellate decision is to vacate the conviction and there is a rehearing, the member shall be subject to Rule 15.10. If the final appellate decision is to vacate the conviction and no felony charges remain against the member, the

member shall be entitled to restitution of back pay and other benefits retroactive to the date of suspension.

RULE SIXTEEN—PROCEDURES FOR LEGAL PROCEEDINGS

PART ONE—Committees Conducting Legal Proceedings

16.1—Procedures for Committees Conducting Legal Proceedings

(a) Issuance of Subpoena

(1) In order to carry out its duties, each standing or select committee, whenever required, may issue subpoenas with the approval of the Speaker and other necessary process to compel the attendance of witnesses before such committee or the taking of a deposition pursuant to these rules. Pursuant to Rule 7.1(b) and for purposes of Rule 16, the term "committee" includes any council. The chair of the committee shall issue such process on behalf of the committee. The chair or any other member of such committee may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before such committee for the purpose of testifying in any matter about which such committee may require evidence.

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

(b) Contempt Proceedings

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

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

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

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

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

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

(4) A person guilty of contempt under this rule shall be fined not more than \$500 or imprisoned not more than 90 days or both, or shall be subject to

such other punishment as the House may, in the exercise of its inherent powers, impose prior to and in lieu of the imposition of the aforementioned penalty.

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

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

(d) Rights of Witnesses

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

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

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

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

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

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

(e) Right of Other Persons to be Heard

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

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

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

PART TWO—Complaints against Members and Officers of the House, Lobbyists, and Other Persons

16.2—Complaints against Members and Officers of the House, Lobbyists, and Other Persons; Procedure

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

(a) Form and Content of a Complaint

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

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

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

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

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

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

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

(b) Filing and Initial Processing of Complaints. All complaints shall be initially filed with the Speaker who shall then promptly forward the complaint to the Chair of the Rules & Calendar Council. The Chair of the Rules & Calendar Council shall initially review all complaints.

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

(2) If the complaint is against the Chair of the Rules & Calendar Council, the chair shall return the complaint to the Speaker. If the complaint

alleges a violation by an employee of the House, the chair shall return the complaint to the Speaker for disposition as provided in Rule 2.6.

(3) The chair shall, within 5 days (excluding Saturdays, Sundays, and official state holidays), notify the member, lobbyist, or other person against whom the complaint has been filed and provide such member, lobbyist, or other person with a copy of the complaint. For purposes of these rules, a complaint against a lobbying firm shall be treated as a complaint against each lobbyist who is a partner, owner, officer, or employee of the lobbying firm. For purposes of Rule 16, the term "person" includes any principal regardless of the organizational form of the principal.

(4) The chair shall, within 20 days:

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

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

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

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

(c) Appointment of Probable Cause Panel or Special Investigator

(1) Creation. When the Speaker receives a copy of a complaint and a request for appointment made pursuant to subsection (b), and whenever the Speaker receives audit information indicating a possible violation of s. 11.045, Florida Statutes, other than a late-filed report by a lobbying firm (which shall be treated as the respondent for purposes of this rule), the Speaker shall, within 20 days, either appoint a Probable Cause Panel (panel) consisting of an odd number of members or appoint a Special Investigator. If the Speaker appoints a panel, the Speaker shall also designate one member of the panel as its chair.

The Speaker may appoint up to two additional persons who are not members of the House to serve as nonvoting, public members of a panel.

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

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

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

c. Recommend to the Rules & Calendar Council such additional rules or regulations as the panel or the Special Investigator shall determine are necessary or desirable to ensure proper standards of conduct by members and officers of the House in the performance of their duties or by lobbyists or others regulated by s. 11.045, s. 112.3148, or s. 112.3149, Florida Statutes.

d. Adopt rules of procedure as appropriate.

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

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

(d) Preliminary Investigation and Probable Cause Finding by Probable Cause Panel or Special Investigator

(1) Preliminary Investigation

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

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

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

d. The panel or Special Investigator may require, by subpoena issued pursuant to these rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda,

papers, documents, and other items as it deems necessary to the conduct of the inquiry.

(2) Probable Cause Finding

a. Findings

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

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

3. If the panel or Special Investigator, as appropriate, determines that probable cause exists to believe that a violation occurred but that the violation, if proven, is de minimis or is not sufficiently serious to justify expulsion, censure, reprimand, or the imposition of a penalty pursuant to Rule 16.4, the panel or Special Investigator may recommend an appropriate lesser penalty or may resolve the complaint informally. If the respondent agrees, a summary of the panel's or Special Investigator's conclusions, as appropriate, shall be published in the *Journal* and the penalty agreed upon shall be imposed. If the panel or Special Investigator is unable to satisfactorily settle the complaint, the complaint shall be subject to a full evidentiary hearing before the Select Committee on Standards of Official Conduct.

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

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

(e) Select Committee on Standards of Official Conduct

(1) Select Committee on Standards of Official Conduct. The Speaker shall appoint a Select Committee on Standards of Official Conduct (select committee) within 20 days after receipt by the Speaker of a Statement of

Alleged Violation or findings by the Commission on Ethics regarding a member of the House. The select committee shall hold hearings regarding the statement, hold hearings to determine whether a violation has occurred, and, if appropriate, make a recommendation for disciplinary action or other punishment to the full House.

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

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

(4) Consent Decree. At any point during which the select committee has jurisdiction over the complaint, the respondent and the select committee may agree to a consent decree. The consent decree shall state findings of fact and shall be published in the *Journal*. The consent decree shall contain such penalty as may be appropriate. If the House accepts the consent decree, the complaint pursuant to these proceedings shall be resolved. If the House does not accept the consent decree, the proceedings before the select committee shall resume.

(f) Adjudicatory Hearing by Select Committee

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

a. Chair. The chair of the select committee or other member presiding at a hearing shall rule upon any question of admissibility of testimony or evidence presented to the select committee. Rulings shall be final unless reversed or modified by a majority vote of the members of the select

committee. If the select committee appoints a referee, the referee shall make all evidentiary rulings.

b. Prosecutor. With respect to complaints against members, the select committee shall serve as prosecutor for hearings and staff of the select committee shall serve as legal advisor. For all hearings involving a lobbyist or others regulated by s. 11.045, s. 112.3148, or s. 112.3149, Florida Statutes, the staff of the select committee shall serve as prosecutor. In any case, the select committee may retain independent counsel to serve as prosecutor.

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

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

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

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

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

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

d. Subpoenas. The select committee may require, by subpoena issued pursuant to these rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda,

papers, documents, and other items as it deems necessary to the conduct of the inquiry.

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

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

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

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

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

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

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

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

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

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

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

(j) Collateral Actions

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

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

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

(k) Ex Parte Communications

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

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

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

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

(l) Time Limitations

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

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

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

PART THREE—Ethics and Conduct of Lobbyists

16.3—Lobbyists; Requests for Advisory Opinions

(a) Obligations of a Lobbyist

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view that the lobbyist openly declares. A lobbyist shall not offer or propose anything that may reasonably be construed

to improperly influence the official act, decision, or vote of a legislator, nor shall a lobbyist attempt to improperly influence the selection of officers or employees of the House. A lobbyist, by personal example and admonition to colleagues, shall maintain the honor of the legislative process by the integrity of the lobbyist's relationship with legislators as well as with the principals whom the lobbyist represents.

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

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

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

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

(b) Advisory Opinions; Compilation Thereof. A lobbyist, when in doubt about the applicability and interpretation of subsection (a) in a particular context, or any person when in doubt about the applicability and interpretation of s. 11.045, s. 112.3148, or s. 112.3149, Florida Statutes, as such statute or statutes may apply to that person, may request an advisory opinion under this subsection. Such request shall be in writing, addressed to the Speaker, and shall contain the relevant facts. The Speaker shall either refer the issue to the House general counsel for review and drafting of an advisory opinion of the Speaker or refer the issue to a committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists, and the person requesting the advisory opinion may appear in person before such committee. The Speaker or this committee shall render advisory opinions to the person who seeks advice as to whether the facts as described in the request and any supplemental communication would constitute a violation of such rule or statute by that person. Such opinion, until amended or revoked, shall be binding upon the House in any proceeding upon a subsequent complaint concerning the person who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. Upon request of the person who requested the advisory opinion or any member, the committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists may revise any advisory opinion issued by the Speaker or may revise any advisory opinion issued by the general counsel of the Office of Legislative Services under Joint Rule 1.8. The House general counsel or this committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions. All advisory opinions of the Speaker or this

committee shall be numbered, dated, and published in an annual publication of the House. The Chief Clerk shall keep a compilation of all advisory opinions.

16.4—Penalties for Violations

Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the foregoing requirements of these rules, any provision in Joint Rule One, or any law, rule, regulation, or other standard of conduct by a person subject to the provisions of Rule 16.2 or Rule 16.3 may be reprimanded, censured, prohibited from lobbying for all or any part of the legislative biennium during which the recommended order is proposed, or have such other penalty imposed as may be appropriate. Such determination shall be made by a majority of the House, upon recommendation of the Select Committee on Standards of Official Conduct designated under Rule 16.2. Any prohibition or other limitation imposed by the House may be continued for up to a total of 2 years by a determination made by a majority of the House at or following the Organization Session following the biennium during which such prohibition or other limitation was imposed.

INDEX

Absence

Chair, R.7.4	18
Chaplain, R.10.3.....	34
Members..... <i>See Absence under Members</i>	
Speaker	
General duties, from, R.1.1(b).....	1
Temporary presiding officer, R.2.5	4
Speaker pro tempore, R.2.5	4

Abstain from voting, R.3.2(a)5

Acts, signature of Speaker, R.2.44

Adjournment

Motion to adjourn..... <i>See Adjourn under Motions</i>	
Motion to recess to a time certain, R.11.5	39
Sine die, R.7.5	19
Witness limitations until, R.16.1(d)(4)	60

Advisory opinions (ethics)

Lobbyists and others, R.16.3(b)	71
Member requests, R.15.8	56
Publication of	
Opinions to members, R.15.8(b)	56
Opinions to non-members, R.16.3(b).....	72

After Day 40, retain to reconsider, R.7.16.....23

After Day 45

Ceremonial resolution deadline, R.5.2.....	9
Daily order of business, R.10.2(d).....	33
Notice deadline, R.7.11(e)	21

After Day 50

Conference committee notices, R. 7.22	24
---	----

After Day 55

Amendment deadline, R.12.2.....	45
Consideration limit on bills, R.10.17	37
Special Order Calendar, R.10.11(a)(3)	35

After Day 58, messages only, R.10.1837

Agendas*See under Council and committee meetings*

Amendments

Generally, Rule Twelve	45-49
Affecting appropriations or tax matters, R.6.5 ..	15
Amendments to amendments	
Deadlines, R.12.2.....	45
Sequence of, R.12.3(b).....	45
Appropriation or tax bill, to, R.6.5(b).....	15
Appropriations, general bill, R.12.5.....	46-47
Printing requirement, exception, R.12.10	49
Approved for filing	
After 55th day, R.12.2(b)(2).....	45
Until 55th day, R.12.2(a)(2)	45
Bill considered by section or item, R.12.3(c) ...	46
Chart, order of consideration, R.12.3	46
Conference committee, offered by, R.7.10(a) ...	20
Constitutional <i>See Constitutional amendment</i>	
Council and committee	
Non-member deadlines, R.7.12	22
Reports, R.7.17	23
Division of question, R.11.4	39
Engrossing, R.10.10(b)	35

Amendments (cont.)

Filing and deadlines	
Council and committee, R.7.12	22
Floor amendments, R.12.2	45
Third reading, R.12.4(b).....	46
Fiscal impact, council removing, R.6.5(a).....	15
Floor amendments	
Filing deadlines, R.12.2.....	45
Preparation and filing, R.12.1	45
Third reading, R.12.4(b).....	46
Germanity, R.12.8	47-48
Laid on table, effect, R.11.6.....	40
Late-filed, R.12.2(c).....	45
Meeting notice, R.7.11(g)	21
Motion	
Consider late-filed, R.12.2(c).....	45
Consider Senate amendment, to, R.12.6	47
Motion precedence, R.11.2(a)(11)	39
Remove enacting or resolving clause, R.12.7 ..	47
Second or third reading, R.12.4(a)	46
Non-member, council or committee	
deadline, R.7.12	22
Order of consideration	
Senate amendments, R.12.6	47
Speaker recognition, R.12.3	45
Out of order, bill substance, R.12.9	48
Pending amendment	
Amendment to, R.12.3(b).....	46
Defined, R.3.4(c).....	6
Previous question, R.11.8(c)	41
Preparation and filing of	
Committee reports, R.7.17	23
Council substitutes, R.12.1	45
Floor amendments, R.12.1	45
Presentation and consideration, R.12.3.....	45
Printed in Journal, R.12.10.....	49
Reconsideration, R.12.4(c).....	46
Remove enacting or resolving clause	
Effect, R.12.7	47
Motion to, R.11.2(a)(12)	39
Reviser's bills, R.12.3(e).....	46
Right to close, R.8.7(a)	28
Second reading, R.12.4(a).....	46
Senate amendments, R.12.6	47
Senate bill, R.10.10(b)	35
Sequence of, R.12.3	45
Sponsor, recognition, R.12.3(a).....	45
Substitute amendments	
Deadlines, R.12.2	45
Germanity, R.12.8(a)(3)	48
Section, by, R.12.3(c).....	46
Tax matters, affected, R.6.5(b)	15
Technical, R.12.4(b).....	46
Third reading	
Engrossment before, R.10.10(b)	35
Proposed on, R.12.4(b),(c)	46
Title, to, R.12.8(a)(1)	47
Vote required to adopt, R.12.4(b).....	46

Appeal

Of council, committee chair ruling, R.7.3	18
To House, of Speaker ruling, R.2.3(c)	3
To Speaker, deciding, R.2.3(b)	3

Approved for filing

Bills

Filing deadline, R.5.2	9
Filing limits, R.5.3	9
Floor amendments, R.12.2	45
Third reading amendments, R.12.4(b)	46

Archiving of records, R.14.2

Attendance obligation.....*See under Members*

Attire in Chamber, R.8.1(f).....*See under Members*

Bill Drafting

Bills filed during interim, R.5.10	12
Notification of similar bill, R.5.11(b)	12
Numbering bills, R.5.12	12
Policies and standards, R.5.4	9
Preparation of floor amendments and council substitutes, R.12.1	45
Requirements for bill introduction, R.5.11	12
Review of bills, R.5.11(a)	12
Tributes, R.5.9(d)	12

Bills

Generally, Rule Five	9–13
Appropriations or tax measures, R.6.5.....	15
Ceremonial resolutions <i>See</i> Ceremonial resolutions	
Claim bills	<i>See</i> Claim bills
Companion measures ... <i>See</i> Companion measures	
Concurrent resolutions <i>See</i> Concurrent resolutions	
Consideration	
After 55th day, R.10.17	37
After 58th day, R.10.18	37
Bill not on Special Order Calendar, R.10.12	36
Deferred, R.10.15	36
Proposed council bill, R.7.9	19
Section by section, R.12.3(c).....	46
Senate amendments, R.12.6.....	47
Senate messages, R.10.5.....	34
Council bills <i>See</i> Proposed council bills, <i>this topic</i>	
Council substitutes	<i>See</i> Council substitutes
Council, committee, or subcommittee reports	
Generally, R.7.17	23
Abstain from voting, R.3.2	5
Local bills	<i>See</i> Local bills
Recommitment, R.11.12.....	43
Unfavorable report, committee, R.7.18.....	23
Defined as any legislation, R.5.1	9
Enacting or resolving clause	
Amendment to remove, R.12.7	47
Conference committee reports, deleting after enacting clause, R.7.10(a)	20
Memorials, R.5.8	11
Resolutions, R.5.9(a)	11
Engrossing, R.10.10(b)	35
Filing	
Approval by sponsor, R.5.2	9
Bill Drafting, prepare or review, R.5.11	12
Companion measures, R.5.13	12
Deadlines	<i>See</i> Filing deadlines <i>this topic</i>

Bills (cont.)

Filing (cont.)

Identification, R.5.12.....	12
Interim, during, R.5.10	12
Member bills, R.5.2	9
Member limit, R.5.3	9
Referrals by Speaker, R.6.2(a)	15
Requirements for introduction, R.5.11	12
Serial number, R.5.12	12

Filing deadlines

Generally, R.5.2.....	9
Member limit, early deadline, R.5.3.....	9

Final week

After 55th day, R.10.17	37
After 58th day, R.10.18	37
Special Order Calendar, R.10.11(a)(3).....	35

Form of

Ceremonial resolutions, R.5.9(b)	11
Filed during an interim, R.5.10	12
House and concurrent resolutions, R.5.9	11
Identification, R.5.12	12
Introduction, R. 5.11.....	12
Local bills, R.5.5(c)	10
Memorials, R.5.8	11
Policies and standards, R.5.4.....	9

General bills

See General bills

House resolutions

See House resolutions

Identification, R.5.12.....

See Identification

Immediately certify

See Immediately certify

Informal deferral, R.10.15.....

See Informal deferral

Introduction

See Introduction of bills

Joint resolutions

See Joint resolutions

Limitation, member filing, R.5.3

See Limitation, member filing

Local bills.....

See Local bills

Memorials.....

See Memorials

Numbering, R.5.12.....

See Numbering

Passage

See Passage of bills

Placed in the Rules & Calendar Council, extended

or special sessions, R.10.11(b)

See Placed in the Rules & Calendar Council, extended

Policies, drafting

See Policies, drafting

Possession of

 Chief Clerk supervises custody, R.4.2

 Transmit to Senate without delay, R.11.7(h)

 Waiving rules to immediately certify, releases,
 R.11.7(i).....

See Possession of

Preparation and review by Bill Drafting

 During an interim, R.5.10.....

 Floor amendments and council substitutes,
 R.12.1

 Identification of bill, R.5.12

 Policies and standards, R.5.4.....

 Requirements for introduction, R.5.11

 Tributes, R.5.9(d)

Proposed council bills

 Consideration of, R.7.9.....

 Introduction, R.7.9.....

Readings

See Readings of bills

Reapportionment, R.5.11(a).....

See Reapportionment

Recall from Governor, R.5.11(a)

See Recall from Governor

Reference.....

See Reference

Bills (cont.)

Requirements for introduction, R.5.11	12
Resolutions	<i>See</i> Resolutions
Retain for reconsideration, R.7.16(b)	22
Reviser's bills	<i>See</i> Reviser's bills
Senate bills	<i>See</i> Senate bills
Similar, filed, notification, R.5.11(b)	12
Speaker signs, R.2.4	4
Table, council may take from, R.7.18	23
Tax matters, R.6.5	15
Time certain, consideration, R.10.11(a)(1)	35
Transmittal to Senate	
Last 14 days of session, R.11.7(j)	41
Local bills, concurrent resolutions, and memorials, R.11.7(h)	40
Possession during which reconsideration may be moved, R.11.7(h)	40
Waiving rules to immediately certify, R.11.7(i)	41
Trust fund	<i>See</i> Trust fund bills
Unfinished business	
Daily order of business, R.10.2(a)(15)	33
Main question postponed, R.11.10	42
Special Order Calendar, R.10.11(a)(1)	35
Veto message, reference, R.6.6	16
Withdraw bill	<i>See</i> Withdraw bill

Calendar of the House

Amendment filing deadlines for bills on,	
R.12.2	45
Bills on Special Order, R.10.11	35
Bills on third reading, R.10.10	35
Calendars, generally, R.10.11-R.10.15	35-36
Ceremonial resolutions published in Journal, R.10.16	37
Companion bill, R.5.13	12
Consent, R.10.13	36
Local bills, R.10.11(a)(1)	35
Notice, R.7.11(h)	21
Reference, R.6.2(a)	15
Resolutions, R.10.11(a)(1)	35
Special Order, generally, R.10.11	35-36
Temporarily postponed measures, R.11.10	42
Third reading, R.10.10	35
Trust fund bills, R.10.11(a)(1)	35

Campaign contributions

Lobbyist restrictions, R.16.3(a)(3)	71
Member restrictions, R.15.3(b)	55

Caucus *See* **Political party conferences****Ceremonial resolutions** *See also* **House resolutions**

Adopted by publication, R.10.9(b)	34
Bill limit exception, R.5.3(b)(2)	9
Filing deadline, R.5.2	9
Procedures for adopting, R.10.16	37
Publication, notice and objection, R.10.16	37
Review and approval, R.5.9(b)	11

Chair or vice chair *See under* **Councils, committees or subcommittees****Chamber of the House**

Admittance to, R.8.1	27
Attire in, R.8.1(f)	27
Decorum, R.8.6	28
Distribution of materials, R.8.9	29
Disturbance, R.4.3	7
Lobbying prohibited, session, R.8.1(e)	27
Lobbyists not permitted, session, R.16.3(a)(5)	71
Materials and meals in, R.8.9	29
Members' attendance, R.3.3(b)(1)	6
Privilege of the floor, R.8.1	27
Privileged guests, R.8.1(b)	27
Sergeant at Arms	
Attendance during sessions, R.4.3	7
Distribution of materials by, R.8.9(a)	29
Signs, placards, etc., R.14.4	54
Speaker's control, R.2.7	4
Chaplain, R.10.3	34
Chief Clerk	
Absence or presence of member, R.3.3(b)	6
Advisory opinions, compiles, R.16.3(b)	72
Amendments	
Filing with publication of engrossment, R.10.10(b)	35
Filing, R.12.1	45
Pending if filed with, R.3.4(c)	6
Printing and Journal, R.12.10	49
Appointment of, R.1.1(c)	1
Attest to documents, R.4.2	7
Bills	
Custody of, R.4.2	7
Engrossment, R.10.10(b)	35
Filing with, R.5.2	9
Immediately certified, releases from possession, R.11.7(i)	41
Possession, reconsideration period, R.11.7(h)	40
Withdrawal of, by letter to, R.11.11(f)(2)	42
Contested seat, R.1.3	1
Council and committees	
<i>See</i> Publications <i>this topic</i>	
Council substitute, reading, R.7.19	23
Designation as clerk, R.1.1(a)(2)	1
Disclosure of interest to, R.3.2(c)	5
Distribution of communications, R.8.9(a)(2)	29
Duties, generally, R.4.2	7
Fees for copies, R.14.2(e)	54
Forms	
Gallery visitors, recognition, R.8.5	28
Vote after roll call, R.9.4	31
House resolution, copies furnished, R.5.9(c)	37
House seal, custody, R.14.5(d)	54
Journal, publishing, R.4.2, <i>See also</i> Journal	7
Legislation pending, R.3.4(c)	6
Lobbyists, advisory opinions, R.16.3(b)	71
Officer, R.1.1(a)(2)	1
Publications	
Generally, R.4.2	7
Committee appointments, R.7.2	18
Journal, R.4.2, <i>See also</i> Journal	7
Meeting notices, R.7.11(h)	21

Chief Clerk (cont.)

Publications (cont.)	
References, R.6.2(b).....	15
Select committee appointments, R.7.6.....	19
Records, House	
Committee records, duties, R.14.2(d).....	53
Particular records, duties, R.14.2(c)(5).....	53
Set fees, R.14.2(e).....	54
Supervising custody of, R.4.2.....	7
Signing of papers, R.4.2.....	7
Sponsorship transactions, R.5.4(b).....	10
Transmits bills to Senate, R.11.7(h), (i).....	40–41
Votes	
Disclosures, R.3.2(c).....	5
Recording, R.9.2, 9.4, 9.6.....	31–32

Claim bills

Generally, R.5.6.....	10–11
Administration of, R.5.6.....	11
Member bill limit, exemption, local, R.5.3(b)(1) 9	
Notice requirement, local, R.5.5(c).....	10
Special Master, R.5.6.....	10

Clerk.....See Chief Clerk**Code of Conduct for members**

Generally, R.15.1–15.7.....	55–58
-----------------------------	-------

Collateral matters

Abandoned after postponement, R.11.10.....	42
Reconsideration	
Council or committee, R.7.16(c).....	23
Session, R.11.7(f).....	40

Commission on Ethics..... See under Complaints Committee.....See Councils, committees, or subcommittees**Committee agenda, R.7.3.....18****Committee Reports..... See Reports under Councils, committees, or subcommittees****Companion measures**

Generally, R.5.13.....	12–13
Motion to refer or recommit, R.11.12(d).....	43
Paired on same readings, R.6.3(a).....	15

Complaints

Adjudicatory hearings, R.16.2(f)(1).....	66–69
Attorney fees, R.16.2(h).....	69
Collateral action	
Probable cause presumed, R.16.2(d)(2)b.....	65
Refrain or suspend action during, R.16.2(j)69–70	
Commission on Ethics	
Complaint and findings, R.16.2(f)(1).....	66
Statement of Alleged Violation, transmittal to Speaker, R.16.2(e)(1).....	66
Confidentiality, R.16.2(g).....	69
Conflict, Speaker or Rules Chair, R.16.2(i).....	69
Consent decree, R.16.2(e)(4).....	66
Ex parte communications, R.16.2(k).....	70
Filing and initial review, R.16.2(b).....	62–63
Form and content of, R.16.2(a).....	62
Limitations period, R.16.2(l).....	70
Preliminary investigation, R.16.2(d).....	64–65
Probable cause exists, R.16.2(d)(2)a.3, a.4.....	65
Probable cause not found, R.16.2(d)(2)a.2.....	65

Complaints (cont.)

Probable cause panel, R.16.2(c),(d).....	63–65
Procedures, R.16.2.....	62–70
Refrain during collateral action, R.16.2(j).....	69–70
Select Committee on Standards of Official	
Conduct, R.16.2(e).....	65–66
Special Investigator appointed, R.16.2(c)(1).....	63

Concurrence in Senate amendments to House**bills, R.12.6(a)(2).....47****Concurrent resolutions**

After 58th day, R.10.18.....	37
Bill filing limit exception, R.5.3(b)(4).....	9
Bill, defined to include, R.5.1.....	9
Certified copies, R.5.9(c).....	11
Consideration after Day 58, R.10.18.....	37
Consideration without reference, R.6.4.....	15
Extend session, motion to adopt, R.6.4.....	15
Filing deadlines, R.5.2.....	9
Form requirements, R.5.9(a).....	11
Immediately certified, R.11.7(h).....	40
Readings, R.10.8.....	34
Title and resolving clause, R.5.9(a).....	11
Transmit to Senate, R.11.7(h).....	40

Conference (political party), R.1.2.....1**Conference committees**

Appointments, R.7.2.....	18
Appropriations amendments, printing in Journal, R.12.10.....	49
Composition, R.7.10.....	20
Managers unable to agree, R.7.10(c).....	20
Meetings, R.7.22.....	24
Notice, R.7.22.....	24
Organization and reports, R.7.10.....	20
Procedure, R.7.22.....	24
Report, R.7.10.....	20
Request or insist, R.12.6(a)(4), 12.6(b)(2).....	47

Conflict of interest

Member, voting, R.3.2.....	5
Speaker, voting, R.9.3.....	31

Conflicting employment, R.15.4(c).....55**Consent Calendar, R.10.13.....36****Consideration limits, R.10.17, 10.18.....37****Constitutional amendment**

Concurrent resolution ratifying federal, R.5.9(a)11	
Joint resolution proposing state, form, R.5.4(c) 10	
Joint resolution..... See also Art. XI, s. 1, Florida Constitution	

Contempt of court, R.16.1(f).....61**Contempt proceedings, R.16.1(b).....59–60****Contested seat, R.1.3.....1****Correction of Journal, R.10.2(a)(5).....33****Cosponsor**

Council bill requires, R.7.9.....	19
Requests and withdrawal, R.5.4(b).....	10

Council and committee meetings

Agenda, R.7.3.....	18
Amendment deadline for non-members, R.7.1222	
Attendance by members, R.3.3(a).....	5
Authorization required, R.7.8.....	19
Call of the chair, R.7.8.....	19

Council and committee meetings (cont.)

Continuation of, same day, R.7.11(i).....	21
Decorum, R.7.23(b).....	24
During House session, R.7.14.....	22
Extended or special session, notice, R.7.11(e).....	21
Interim	
Contempt proceedings, R.16.1(b)(3).....	59
Notice deadline, R.7.11(d).....	21
Investigations	
Complaint proceedings, R.16.2.....	62
Legal proceedings, R.16.1.....	59
Investigative committees	
Oversight powers, R.7.24.....	24–25
Subpoena powers, R.16.1.....	59
Notice	
Amended to remove bill, R.7.11(g).....	21
Amendment deadlines, R.7.12.....	22
Approved for distribution in Chamber, R.8.9(a)(2).....	29
Between sessions, R.7.11(d).....	21
Chair authority to sign, R.7.3.....	18
Conference committees, R.7.22.....	24
Content of, R.7.11(b).....	20
Continuation of meeting, R.7.11(i).....	21
During sessions, R.7.11(e).....	21
Form of, R.7.11(b).....	20
Not meeting, R.7.11(f).....	21
Powers of the chair, R.7.3.....	18
Proposed council bills, R.7.9.....	19
Provide to persons subpoenaed, R.16.1(d)(2).....	60
Subpoenaed person may be accompanied by counsel, R.16.1(d)(3).....	60
Open meetings..... <i>See also under Meetings</i>	
Chair authority, R.7.23(b).....	24
Formal legislative action, R.3.4.....	6
Quorum..... <i>See also Quorum</i>	
Ex officio not counted, R.7.13.....	22
Majority constitutes, R.7.13.....	22
Permit testimony, R.16.1(e)(2).....	61
Vote after roll call not counted, R.7.15.....	22
Recessed meetings, R.7.8.....	19
Schedule, daily sessions, R.10.1.....	33
Signs, placards, etc., R.14.4.....	54
Speaker announces meeting on Senate amendment, R.12.6(c).....	47
Time for, R.7.8.....	19
Council substitutes	
Adding references, R.6.3(b).....	15
Original bill laid on table, R.7.19.....	23
Preparation and filing, R.12.1.....	45
Recommitment resulting in, R.11.12(c).....	43
Referral, R.6.3(b).....	15
Reporting, R.7.17.....	23
Councils, committees, or subcommittees	
Generally, Rule Seven.....	17–25
Administrative Assistant	
Amendments filed with, pending, R.3.4(c).....	6
Disclosures, filing, R.3.2(c).....	5
Records, R.14.2(c)(1).....	53

Councils, committees, or subcommittees (cont.)

Amendments	
By member not appointed to council, committee, or subcommittee, R.7.12.....	22
Chair to present on floor, R.12.3(a).....	45
Deadlines in council or committee, R.7.12.....	22
Fiscal impact removed, R.6.5(a).....	15
Germanity, R.12.8.....	47–48
Reports on bills, R.7.17.....	23
Senate bills, R.7.17.....	23
Appeal certified to Speaker, R.2.3(b).....	3
Appeal of chair's ruling, R.7.3.....	18
Appointment of members	
Council and committee, R.7.2.....	18
Expiration of, R.7.5.....	19
Bill referrals..... <i>See Reference</i>	
Chair or vice chair	
Generally, R.7.3.....	18–19
Absence, R.7.4.....	18
Agenda, R.7.3.....	18
Amendments, preference for presenting to House, R.12.3(a).....	45
Appeal of ruling, R.7.3.....	18
Appointment, R.7.2.....	18
Authority, R.7.3.....	18
Conference committees, R.7.22.....	24
Decides questions of order, R.7.3.....	18
Ex officio members, R.7.7.....	19
Excuses members from attendance, R.3.3(a)....	5
Meetings, authority to call, R.7.8.....	19
Order and decorum, authority, R.7.23.....	22
Order of business, R.10.2(d).....	33
Parliamentary authority, R.7.3.....	18
Policy & Budget Council, R.6.5.....	15
Powers, R.7.3.....	18
Select committees, R.7.6.....	19
Selection, R.7.2.....	18
Signature required, R.7.3.....	18
Term of appointment, R.7.5.....	19
Combining bills, R.7.19.....	23
Contempt proceedings, R.16.1(b).....	59
Council substitutes, R.7.19.....	23
Ex officio members, R.7.7.....	19
Investigations	
Lobbyists duties, R.16.3.....	70
Oversight, R.7.24.....	25
Procedures for legal proceedings, R.16.1.....	59–61
Legal proceedings, R.16.1.....	59–61
Legislative records	
Compliance, R.14.2(c)(1).....	53
Forwarding after not continued in existence, R.14.2(d).....	53
Maintenance, archiving, R.14.2(a)–14.2(c).....	53–54
Majority Leader, ex officio member, R.7.7.....	19
Meetings..... <i>See Council and committee meetings</i>	
Members	
Appointment, R.7.2.....	18
Attendance obligation, R.3.3(a).....	5

Councils, committees, or subcommittees (cont.)

Members (cont.)	
Ex officio, R.7.7	19
Select committees, R.7.6	19
Miscellaneous papers, filed with, R.8.10	29
Oversight responsibilities and powers,	
R.7.24	24–25
Procedure, generally, R.7.11-7.23	20–24
Procedures for legal proceedings, R.16.1	59–61
Proposed council bill (PCB), R.7.9	19
Notice, R.7.11(c)	21
Proposed council substitutes, R.7.19	23
Proxy voting prohibited, R.3.2	5
Questions of order, R.7.3	18
Quorum	<i>See under</i> Council and committee meetings
Recommittal to	
Motion, R.11.12	43
Not subject to reconsideration, R.11.7(g)	40
Reconsideration, R.7.16	22
Reference	<i>See</i> Reference
Reports	
Council, committee amendments, R.7.17	23
Nature and content, R.7.17	23
Recommendation on bill required, R.7.17	23
Recommendations on Senate amendments,	
R.12.6(c)	47
Recommittal, after, R.11.12	43
Signed by chair, R.7.3	18
Unfavorable by committee, R.7.18	23
Unfavorable by council, out of order	
amendment, R.12.9	48
Vote, R.7.15	22
Retain bill for reconsideration, R.7.16(b)	22
Rules in council, committee, and subcommittee,	
R.13.3	51
Select committees	
Complaints	<i>See</i> Complaints
Contempt proceedings, R.16.1(b)(5)	60
Creation of, R.7.6	19
Order of business, R.10.2(a)(9)	33
Responsibilities, R.7.24(b)	25
Speaker pro tempore, ex officio member,	
R.7.7	19
Standing councils and committees, R.7.1	17
Subpoena	<i>See also</i> Subpoena
Authority to issue, R.16.1(a)(1)	59
Legal proceedings, R.16.1(d)(2)	60
Powers of the chair, R.7.3	18
Select committee, R.16.2(f)(2)d	67
Vice chair	<i>See</i> Chair or vice chair <i>this topic</i>
Voting	
Conference committees, R.7.10	20
Disclosure of interest, R.3.2(b)	5
Ex officio member, R.7.7	19
Reconsider, prevailing side, R.7.16(a)	22
Two members request, R.7.15(a)	22
Yeas and nays, when, R.7.15	22

Councils, committees, or subcommittees (cont.)

Witnesses	
Administration of Oaths, R.7.21	24
Claim bills, R.5.6	11
Enforcement of subpoena, R.16.1(f)	61
Legal proceedings, R.16.1(a)(1)	59
Open meetings, R.7.23	24
Probable cause, R.16.2(d)(1)b	64
Right of other, R.16.1(e)	61
Rights of, R.16.1(d)	60–61
Daily order of business	<i>See</i> Order of business
Days, defined, R.13.8	52
Debate	
Generally, R.8.6—8.8	28
Form of question, R.8.7(b)	28
Interruption not allowed, R.8.7(a)	28
Limitation	
Member, time allowed, R.8.7(a)	28
Motion for previous question, R.11.8(b)	41
Motion precedence, R.11.2(a)(7)	39
Motion to limit debate, R.11.9	39
Motion to take bill from table, R.7.18	23
Previous question, effect, R.11.8(b)	41
Right to open and close, R.8.8	28
Sponsor may open and close, R.8.8	28
Time and form, R.8.7(a)	28
Members	
Addressing the House, R.8.2	27
Decorum, R.8.6	28
Speaking, R.8.7(a)	28
To open, to close, R.8.8	28
Two members rise, R.8.3	27
Miscellaneous papers, reading of not debatable,	
R.8.10	29
Motions	
Lay on table, R.11.6	40
Limit debate, R.11.9	41
Precedence during debate, R.11.2	39
Previous question, R.11.8(b)	41
Recess to a time certain, R.11.5	39
Recommit, R.11.12(b)	43
Reconsideration, R.11.7(d)	40
Refer, R.11.11(e)	42
Temporarily postpone, R.11.10	42
Nondebatable motions	
Lay on the table, R.11.6	40
Previous question, R.11.8(b)	41
Question of order, R.11.3	39
Speaker's recognition, R.8.3	27
Temporarily postpone, R.11.10	42
Personality avoided, R.8.2(a)	27
Previous question prevailed, R.11.8(b)	41
Question may not disguise, R.8.7(b)	28
Recognition of members by Speaker, R.8.4	28
Reconsideration	
Any member may move when supermajority	
required, R.11.7(b)	40
Debatable when, R.11.7(d)	40
In order on same or succeeding legislative day,	
R.11.7(a)	40

Debate (cont.)

Remarks confined to subject under, R.8.2(a).....	27
Speaking from well, R.8.2(a).....	27
Speaking twice on same subject, R.8.7(a).....	28
Sponsor opens and closes	
Generally, R.8.8.....	28
15 minutes, R.8.7(a).....	28
Time allowed	
Speaking, R.8.7(a).....	28
To open and close, R.8.8.....	28

Decorum..... See Order and decorum**Dilatory or delaying motions, R.11.13.....43****Disclosure of interest, R.3.2.....5****Distribution of documents on paper or electronically, R.14.3.....54****Distribution of materials in Chamber, R.8.9.....29****Disturbance in Chamber or other areas, R.4.3...7****Division of question, R.11.4.....39****Doctor of the Day, R.8.5.....28****Documents, papers**

Custody, R.4.2.....	7
Distribution of, R.14.3.....	54
Miscellaneous, R.8.10.....	29
Public inspection, R.14.1.....	53
Publication of, R.4.2.....	7
Reading of, R.8.10.....	29
Signing of, R.2.4.....	4
State agency, R.7.24.....	24

Dress code, Chamber, R.8.1(f).....27**Duplication of records, fees, R.14.2(e).....54****Election**

Constitutional officers, R.1.1(a).....	1
Contested seat, R.1.3.....	1
Members, House sole judge, R.3.1.....	5
Other officers, R.1.1(c).....	1

Electronic form for documents, R.14.3.....54**Employees**

Generally, R.4.4.....	7
Admission to Chamber, R.8.1(c).....	27
Employment discrimination, R.15.2.....	55
Employment terms and conditions, R.4.4.....	7
Lobbying prohibited, R.4.4.....	7

Enacting or resolving clause..... See under Bills**Engrossing bills, R.10.10(b).....35****Ethics**

Lobbyists..... See Lobbying and lobbyists	
Members..... See also Member Conduct	
Advisory opinion, R.15.8.....	56
House sole judge, R.3.1.....	5
Obligations, R.15.1.....	55
Penalties, R.15.9.....	56

Ethics, Commission on..... See under Complaints**Ex officio council and committee members**

One per council or committee, R.7.7.....	19
Quorum, not counted, R.7.13.....	22

Excused absences

Meetings, R.3.3(a).....	5
Penalties for not voting, R.15.9.....	56
Presumed present, R.3.3(b)(2).....	6

Excused absences (cont.)

Session, R.3.3(b).....	6
Voting, R.9.1.....	31

Expenses and expenditures

Independent counsel, complaints,	
R.16.2(e)(3).....	66
Member reimbursement, complaints,	
R.16.2(h).....	69
Protecting House interests, R.2.6.....	4
Speaker signs or delegates, R.2.4.....	4
Vouchers, chairs sign, R.7.3.....	18
Witnesses, reimbursement, R.16.1(d)(1).....	60

Explanation of vote, R.9.6.....32**Expulsion of member, requirements, R.15.9....56****Extended session..... See Extended under Sessions****Fees for copies, R.14.2(e).....54****Filing**

Amendments..... See Amendments

Bills See Bills

Final week, procedural limitations

After 55th day, R.10.17.....	37
After 58th day, R.10.18.....	37
Amendment deadlines, R.12.2(b).....	35
Special Order Calendar, R.10.11(a)(3).....	35

Fine

For contempt, R.16.1(b)(4).....	59
Lobbyists..... See Lobbying and lobbyists	
Member's conduct, R.15.9.....	56
Non-members, R.16.1(b)(1).....	59

Floor amendments..... See under Amendments**Floor procedures, special, R.10.11(c).....36****Form of**

Amendments, R.12.1.....	45
Bills See Form of under Bills	
Notice of committee meeting, R.7.11(b).....	20

Forms

Gallery visitor recognition, R.8.5.....	28
Vote after roll call, R.9.4.....	31

Galleries

Control of House facilities, R.2.7.....	4
Display of signs, R.14.4.....	54
Gallery visitors, R.8.5.....	28
Sergeant responsibilities, R.4.3.....	7

General bills

Amendments to existing provisions, R.5.4(c) ...	10
Bill limit exception, when, R.5.3(b)(7).....	9
Engrossed before third reading, R.10.10(b).....	35
Filing deadline, R.5.2.....	9
Filing limitations, R.5.3(b)(7).....	9
First reading of, R.5.2.....	9
Form of, R.5.4.....	9
Requirements for introduction, R.5.11.....	12
Speaker signs, R.2.4.....	4

Germanity of amendment, R.12.8.....47-48**Governor**

Floor privilege, R.8.1(b).....	27
Recall act from, R.5.11(a).....	12
Remarks spread upon Journal, R.8.2(b).....	27

Guests, recognition, R.8.5.....28

Hands, showing of to demand roll call,	
R.9.2	31
House amendments to Senate bills	
.....	<i>See Senate bills</i>
House Bill Drafting Service	<i>See Bill Drafting</i>
House General Counsel, advisory opinions	
Lobbyist, R.16.3(b)	71
Member, R.15.8	56
House records	<i>See Legislative records</i>
House resolutions, R.5.9	11–12
Adopted by publication	
Ceremonial, R.10.9(b)	34
Procedures for, R.10.16	37
Bill limit exception, when, R.5.3(b)(2)	9
Ceremonial resolutions procedure, R.10.16	37
Daily order of business, R.10.2(a)(14)	33
Defined as bills, R.5.1	9
Filing deadline, R.5.2	9
Form of, R.5.9	11
Requirements for introduction, R.5.11(a)	12
Speaker signs, R.2.4	4
Special Order Calendar, R.10.11(a)(1)	35
House seal	<i>See Seal, House</i>
Identification of bills, R.5.12	12
Immediately certify	
Concurrent resolutions, R.11.7(h)	40
During extended or special session, R.11.7(j)	41
Last 14 days of session, R.11.7(j)	41
Local bills, R.11.7(h)	40
Memorials, R.11.7(h)	40
Transmit to Senate without delay, R.11.7(h)	41
Waiving rules to, releases, R.11.7(i)	41
Indivisible motion, R.11.4	39
Informal deferral, sponsor absent, R.10.15	34
Integrity of House, R.15.2	55
Interpretation of Rules	
Advisory opinions	
Lobbyist, R.16.3(b)	71
Authority and, R.13.5	51
Guiding authorities, R.13.1	51
Parliamentarian advice, R.4.1	7
Powers of chair, R.7.3	18
Questions of order, R.2.3	3
Rights of Speaker, R.2.2	3
Interrupting during debate, R.8.7(a)	28
Introduction of bills	
Acceptable form, R.5.4(a)	9
Daily order of business, R.10.2	33
First reading, R.5.2	9
Numbering for introduction, R.5.12	12
Reading	<i>See Readings of bills</i>
Reference upon, R.6.2(a)	15
Requirements for introduction, R.5.11(a)	12
Resolutions	
Ceremonial, review by Rules Chair, R.5.9(b)	11
Concurrent, extending session, R.6.4	15
Organization, no reference required, R.6.4	15
Tributes, for local recognition, prepared by Bill	
Drafting, R.5.9(d)	12
Withdraw bill prior to, R.11.11(f)(2)	42

Investigative committees	
Complaints, R.16.2	64–69
Conducting legal proceedings, R.16.1	59
Oversight powers of standing councils and	
committees, R.7.24	25
Subpoena powers, R.16.1	59
Joint resolutions	
Amendment to Florida Constitution, R.5.4(c)	10
Bill limit exception, when, R.5.3(b)(7)	9
Daily order of business, R.10.2(a)(12)	33
Defined as bill, R.5.1	9
Filing deadline, R.5.2	9
Filing limitations, R.5.3(b)(7)	9
First reading of, R.5.2	9
Form of, R.5.4	9
Order of business after 45th day, R.10.2(d)	33
Requirements for introduction, R.5.11	12
Speaker signs, R.2.4	4
Joint Rules	
Generally, R.13.4	51
Concurrent resolutions enacting, R.5.9(a)	11
Journal	
Amendments printed, R.12.10	49
Ceremonial resolutions adopted by publication	
Published, R.10.16	37
Reading of resolutions, R.10.9(b)	34
Chamber distribution, R.8.9(a)(2)	29
Chief Clerk duties, R.4.2	7
Complaint proceedings	
Consent decree, R.16.2(e)(4)	66
Preliminary investigation, de minimis	
conclusions, R.16.2(d)(2)a.3	65
Report finding violation, R.16.2(f)(6)	69
Conflict of interest, member disclosure, R.3.2(c)	5
Consent decree, complaint, R.16.2(e)4	66
Correction of, R.10.2(a)(5)	33
Council chair reference or revocation, R.6.7	16
First reading by publication, R.10.7	34
Miscellaneous papers, R.8.10	29
Publication of bill titles, R.10.7	34
References of bills, R.6.2(b)	15
Remarks spread upon, R.8.2(b)	27
Votes	
Abstention, R.3.2(c)	5
After roll call, change of vote, R.9.4	31
Disclosure of interest, R.3.2(c)	5
Explanation of vote, R.9.6	32
Recorded, R.9.2	31
Last 14 days of regular session, general bills	
immediately certified to Senate, R.11.7(j)	41
Last 15 days of regular session	
Council and committee notices, R.7.11(e)	21
Lay on table	
Companion measures, substitution, R.5.13	13
Council substitutes, R.7.19	23
Motion precedence, R.11.2(a)(4)	39
Motion procedure, R.11.6	40
Motion to report the bill unfavorably, R.7.17	23
Unfavorable reports, R.7.18	23

Legal proceedings

Expenses.....	See Expenses and expenditures
Independent counsel, R.16.2(e)(3).....	66
Protecting interest of the House, R.2.6.....	4
Reimburse member (complaints), R.16.2(h).....	69

Legislative records

Chief Clerk	
Specific duties, R.14.2(c) - (e).....	53–54
Supervising custody of, R.4.2.....	7
Confidentiality, complaints, R.16.2(g).....	69
Council and committee duties, R.14.2(c)(1).....	53
Directors, ancillary offices, R.14.2(c)(4).....	53
Fees for copies, R.14.2(e).....	54
Maintenance, R.14.2.....	53
Members, duties, R.14.2(c)(3).....	53
Officers, duties, R.14.2(c)(2).....	53
Public inspection, R.14.1.....	53

Limits on consideration

After Day 40, retaining, R.7.16(b).....	23
After Day 45, daily order, R.10.2(d).....	33
After Day 55, House bills, R.10.17.....	37
After Day 58, all bills, R.10.18.....	37

Limits on filing member bills, R.5.3.....

Lobbying and lobbyists

Advisory opinions, R.16.3(b).....	71–72
Campaign contribution, prohibited, R.16.3(a)(3).....	71
Complaints of violations against, R.16.2.....	62
Employees forbidden to lobby, R.4.4.....	7
Ethics and conduct, R.16.3.....	70–72
House Chamber	
Guest may not lobby, R.8.1(e).....	27
Lobbyist not admitted, R.8.1(b).....	27
Obligations of lobbyists, R.16.3(a).....	70–71
Penalties for violations, R.16.4.....	72
Request for advisory opinion, R.16.3(b).....	71–72

Local bills

Generally, R.5.5.....	10
Bill limit exception, R.5.3(b)(1).....	9
Claim.....	See Claim bills
Referendum or advertisement proof, R.5.5(c).....	10
Constitutional requirements, R.5.5(c).....	10
Favorable report prohibited when ordinance enabled, R.5.5(a).....	10
Filing deadline, R.5.2.....	9
Form	
Ratifying referendum or affidavit of proper advertisement required, R.5.5(c).....	10
Standards, R.5.4.....	9
Immediately certify, R.11.7(h).....	41
Introduction requirements	
Bill Drafting, prepare or review, R.5.11(a)....	12
Ratifying referendum or affidavit of advertisement required, R.5.5(c).....	10
Reference of, R.6.1.....	15
Referendum or advertising proof, R.5.5(c).....	10
Review by Bill Drafting, R.5.11(a).....	12

Local bills (cont.)

Special Order Calendar	
Exemption from general law, R.5.5(b).....	10
Sequence for consideration, R.10.11(a)(1)....	35
Amendment laid on table not affecting, R.11.6.....	40
Collateral matter reconsidered	
Effect on main subject, R.11.7(e).....	40
Only while on main, R.11.7(f).....	40
Lay on table, R.11.6.....	40
Previous question agreed to	
Debate, R.11.8(b).....	41
Vote on pending amendment, R.11.8(c).....	41
Reconsideration, committee, R.7.16(a).....	22
Reconsideration, motion, R.11.7.....	40
Temporarily postponed, R.11.10.....	42

Majority Leader

Ex officio member of council, R.7.7.....	19
Legislative records, R.14.2(c)(2).....	53
Officer, R.1.1(b).....	1
Selection, R.1.1(b).....	1
Special floor procedures, R.10.11(c).....	36

Majority vote prevails, when, R.13.6.....

Mason's Manual of Legis. Proc., R.13.1.....

Materials in Chamber, R.8.9(a).....

Meals in Chamber, R.8.9(b).....

Media representatives, R.3.4(b).....

Meetings

Attendance	
Councils and committees, R.3.3(a).....	5
Session, R.3.3(b).....	6
Vacancy on failure to attend, R.3.3(a).....	5–6
Chamber, R.3.4(b).....	6
Councils and committees.....	See Council and committee meetings
Decorum	
Chair authority, R.7.23.....	24
House facilities, R.2.7.....	4
Open meetings	
Decorum, R.7.23(a).....	24
Public access, R.3.4.....	6
Session defined as, R.3.4.....	6
Sessions of the House	
Attendance by members, R.3.3(b).....	5–6
Hour appointed, R.2.1.....	3
Speaker presiding, R.2.1.....	3

Member Conduct

Advisory opinions, R.15.8.....	56
Campaign contributions, R.15.3(b).....	55
Code of Conduct, R.15.1-15.7.....	55–56
Complaints.....	See Complaints
Conflicting employment, R.15.4.....	55
Employment discrimination, R.15.2.....	55
Enforcement.....	See Penalties, this topic, see also Complaints
Ethics and official conduct, R.15.1.....	55
Ethics laws, compliance required, R.15.4(a)....	55
Expulsion, vote required, R.15.9.....	57
Felony of member, R.15.10–15.12.....	57–58
General Counsel opinion, R.15.8.....	56

Member Conduct (cont.)

Improper influence, R.15.3(a).....	55
Information obtained as officeholder, R.15.6.....	56
Integrity of the House, R.15.2.....	55
Misuse of information obtained by office, R.15.6.....	56
Misuse of official position, R.15.5.....	56
Office as trust, R.15.1.....	55
Penalties	
Complaints.....	<i>See</i> Complaints
Disciplinary action, R.15.9.....	56
Probable cause.....	<i>See under</i> Complaints
Select committee recommends, R.16.2(f)(6).....	69
Two-thirds vote required, R.15.9.....	56
Voting for another member, R.9.5(c).....	32
Professional environment, R.15.2.....	55
Public confidence, R.15.2.....	55
Punishment, discipline, suspension, or other penalties, R.15.9.....	72
Representation before a state agency, R.15.7.....	56
Representation before state agency, R.15.7.....	56
Solicitation, R.15.3(b).....	55
Use of official position, R.15.5.....	56

Members

Generally, Rule Three.....	5-6
Absence	
Attendance required, R.3.3(a).....	5
Chair, R.7.4.....	18
Council and committee meetings, R.3.3(a).....	5
Excused, R.3.3(b)(1).....	6
Felony indictment or information of a member, R.15.10(a).....	57
Informal deferral, R.10.15.....	36
Members shall vote, R.9.1.....	31
Presumed present, R.3.3(b)(2).....	6
Session, R.3.3(b).....	6
Voting for another, R.9.5(a).....	32
Voting, R.7.15(b).....	22
Advisory opinions, ethics, R.15.8.....	56
Attendance obligation	
Councils and committees, R.3.3(a).....	5-6
Session, R.3.3(b).....	6
Vacancy on failure to attend, R.3.3(a).....	5
Attire in Chamber, R.8.1(f).....	27
Call for division of question, R.11.4.....	39
Campaign contributions	
Lobbyist, R.16.3(a)(3).....	71
Solicitation of, R.15.3(b).....	55
Code of Conduct, R.15.1—15.7.....	55-56
Complaints.....	<i>See</i> Complaints
Conduct.....	<i>See</i> Member Conduct
Conflict of interest, R.3.2(a).....	5
Conflicting employment, R.15.4.....	55
Contested seat, R.1.3.....	1
Discipline of member <i>See</i> Penalties <i>under</i> Member Conduct	
Disclosure of interest, R.3.2.....	5
Election, House sole judge, R.3.1.....	5

Members (cont.)

Employment	
Conflict, R.15.4.....	55
Information obtained by reason of office, R.15.6.....	56
Representation before a state agency, R.15.7.....	56
Special private gain, principal, R.3.2(b).....	5
Special private gain, R.3.2(a).....	5
Felony, indictment or conviction	
Conviction of a member, R.15.12.....	57
Guilty plea of member, R.15.11.....	57
Request for excusal, R.15.10(a).....	57
Filing deadlines, bills, R.5.2.....	9
First-named sponsor.....	<i>See</i> First-named <i>under</i> Sponsor
Interruption during debate, R.8.7(a).....	28
Legislative records, duties, R.14.2(c)(3).....	53
Limitation on bills filed, R.5.3.....	9
Notice of meetings, sponsor, R.7.11(a).....	20
Open meetings, R.3.4.....	6
Possession of bills, R.4.2.....	7
Punishment.....	
<i>See</i> Penalties <i>under</i> Member conduct	
Representation before state agency, R.15.7.....	56
Similar measure, notification, R.5.11(b).....	12
Sponsors, cosponsors.....	<i>See</i> Sponsor
Temporary chair	
Appointment, R.2.5.....	4
Speaker appointment, R.7.4.....	18
Vote of the Speaker, R.9.3.....	31
Voting.....	<i>See</i> Voting
Memorials	
Bill limit exception, R.5.3(b)(3).....	9
Defined as bill, R.5.1.....	9
First reading, R.5.2.....	9
Form of, R.5.8.....	11
Materials approved for general distribution, R.8.9(a)(2).....	29
Purpose of, R.5.8.....	11
Readings, R.10.8.....	34
Removing resolving clause, R.12.7.....	47
Speaker to sign, R.2.4.....	4
Transmitted without delay, R.11.7(h).....	40
Messages	
Received from Senate	
Consideration by House, R.10.5.....	34
Daily order of business, R.10.2(a)(7).....	33
Senate amendments and motions, R.12.6.....	47
Transmitted to Senate	
Chief Clerk retains possession, R.11.7(h).....	40
Last 14 days, without delay, R.11.7(j).....	41
Special session, without delay, R.11.7(j).....	41
Waive rules, immediately certify, R.11.7(i).....	41
Minority Leader	
Committee meeting, closing, R.7.23(a).....	24
Council and committee member recommendations, R.7.2.....	18
Legislative records, R.14.2(c)(2).....	53
Officer, R.1.1(b).....	1
Ranking member recommendations, R.7.2.....	18

Minority Leader (cont.)

Selection, R.1.1(b).....	1
Special floor procedures, R.10.11(c)	36
Miscellaneous papers, reading, R.8.10.....	29
Misconduct by non-member	
Complaints, R.16.2.....	62
Contempt proceedings, R.16.1(b)(1)	59
Employee, R.16.2.....	62
Voting for member, R.9.5(d)	32
Motions	
Generally, Rule Eleven	39–43
Adjourn	
At a time certain, R.11.2(a)(1)	39
Daily sessions, R.10.1	33
Formal legislative action, exception, R.3.4(c)	6
Precedence, R.11.2(a)(2).....	39
Adopt without reference, upon, R.6.4.....	15
Companion measure substituted, R.5.13.....	12
Conference committees, R.7.10	20
Council and committee references	
Daily order of business, R.10.2(a)(10).....	33
Motions during debate, R.11.2(a)(10).....	39
Withdraw or refer a bill, R.11.11	42
Dilatory or delaying, R.11.13.....	43
Division of question, R.11.4	39
Effect of killing bill, R.8.7(a).....	28
How made, R.11.1.....	39
Immediately certify to Senate, R.11.7(i).....	41
Lay on table	
Cannot be amended, R.11.6.....	40
Precedence, R.11.2(a)(4).....	39
Reports bill unfavorably, R.7.17	23
Left pending, R.10.10(c).....	35
Limit debate	
Motion procedure, R.11.9.....	41
Precedence, R.11.2(a)(7)	39
May be required in writing, R.11.1.....	39
Precedence of	
Conference reports, receiving, R.7.10(b).....	20
Offered during debate, R.11.2.....	39
Senate amendments, R.12.6.....	47
Previous question	
Precedence, R.11.2(a)(6)	39
Procedure, R.11.8	41
Recess to time certain, R.11.5.....	39–40
Recess, precedence, R.11.2(a)(3).....	39
Recommit to council or committee	
Precedence, R.11.2(a)(10)	39
Procedure, R.11.12	43
Recommit, R.11.12	43
Reconsideration	<i>See</i> Reconsideration
Refer (bill on calendar), R.11.12.....	43
Reference of bills	
Daily order of business, R.10.2(a)(10).....	33
Precedence, R.11.2(a)(10).....	39
Withdraw or change, R.11.11.....	42
Remove enacting or resolving clause	
Amendment to, R.12.7.....	47
Precedence, R.11.2(a)(12).....	39

Motions (cont.)

Report bill immediately, R.7.16(b).....	22
Resolutions, no reference required, R.6.4.....	15
Right to close, R.8.7(a)	28
Spread remarks upon Journal, R.8.2(b)	27
Take bill from table, R.7.18	23
Temporarily postpone	
Precedence, R.11.2(a)(8)	39
Procedure, R.11.10	42
Waive Rules	
Companion measures, R.5.13.....	12
Immediately certify to Senate, R.11.7(i).....	41
Readings requirement, R.10.7	34
Two-thirds vote requirement, R.13.2	51
Withdraw from council, R.11.11(a).....	42
Withdraw or change reference, R.11.11	42
Withdrawal of, R.11.14.....	44
Notice	
Amended meeting, R.7.11(g).....	21
Appointments, designation	
Council and committee appointments, R.7.2	18
Ex officio, council, R.7.7.....	19
Select committees, R.7.6	19
Bills	
Amendment deadlines in council or committee, R.7.12	22
Content of meeting notice, R.7.11(b).....	20
Council substitutes, R.7.19.....	23
Proposed bills, R.7.11(c)	21
Reconsider, council or committee, R.7.16(b).....	22
Reported unfavorably by a committee within a council, R.7.18	23
Conference committees, R.7.22.....	24
Contested House seat, R.1.3.....	1
Council and committee, R.7.11....	20–21, <i>See also</i>
Council and committee meetings	
Investigative committee meeting	
<i>See also</i> Council and committee meetings	
Service of a subpoena, R.16.1(d)(2).....	60
Subject matter of inquiry, R.16.1(d)(3).....	60
Time required	
Continuation after noticed time, R.7.11(i)	21
Notice deadline between sessions, R.7.11(d).....	21
Notice deadline during sessions, R.7.11(e).....	21
Oaths	
Administration of, R.7.21	24
Contempt proceedings, R.16.1(b)(2)	59
Issuance of subpoena, R.16.1(a)(1).....	59
Special Master, R.5.6	10
Office of Legislative Services, R.16.3(b),	71
Officers of House, R.1.1.....	1
Open meetings	<i>See under Meetings</i>
Open records	
Confidentiality, R.16.2(g).....	69
Legislative records, R.14.1	53
Management, R.14.2	53–54
Opinions, advisory	<i>See Advisory opinions</i>

Oral roll call	<i>See Roll call</i>
Order and decorum	
Authority of the chair, R.7.23	24
Debate, R.8.6	28
Open meetings, R.3.4	6
Recognition of gallery visitors, R.8.5	28
Order of business	
Generally, R.10.1-10.5	33–34
Daily order of business, R.10.2.....	33
Motion to temporarily postpone, R.11.10.....	42
Motion to withdraw or refer, R.11.11(c),(d).....	42
Prayer, Chaplain to offer prayer, R.10.3.....	34
Recognition of gallery visitors, R.8.5	28
Special session, R.10.2(b)	33
Organization	
Generally, Rule One.....	1
Organization Session	
Bills filed during interim, R.5.10	12
Contested seat, R.1.3	1
Penalties for violations, R.16.4	72
Oversight by councils and committees,	
R.7.24	24–25
Parliamentarian	
Appointment of, R.1.1(c)	1
Duties, R.4.1	7
Parliamentary authorities, guiding, R.13.1	51
Parliamentary question	<i>See Question of order</i>
Passage of bills	
Chief Clerk attests to, R.2.4	4
Employees may not lobby, R.4.4	7
Speaker signs, R.2.4	4
Tie vote	
Bill fails, R.13.6.....	52
<i>See Voice or tie vote under Reconsideration</i>	22
Transmission to Senate, R.11.7(h).....	41
Vote of presiding officer, R.9.3	31
Vote recorded and entered in Journal,	
<i>See Art. III, s. 7, Florida Constitution</i>	
Payment of expenses	<i>See Expenses and expenditures</i>
Physician of the Day, R.8.5	28
Pledge of allegiance, R.10.2(a)(4)	33
Point of order	<i>See Question of order</i>
Policy & Budget Council	
Additional references, R.6.3	15
Amendment of general appropriations bills, R.12.5	46
Chair, bill withdrawal, point of order, R.6.5(a)	15
Jurisdiction established, R.7.1(a)(6)	17
Point of order, fiscal, by Chair of, R.6.5.....	15
Referral after fiscal impact added, R.6.5(b).....	15
Withdrawal from, R.6.5(a).....	15
Political activity by employees, R.4.4	7
Political party conferences, R.1.2	1
Postpone consideration	
Motion to temporarily postpone, R.11.10.....	42
Precedence, R.11.2(a)(8)—(9).....	39

Previous question	
Motion for the previous question, R.11.8	41
Pending amendments, R.11.8(c)	41
Precedence, R.11.2(a)(6).....	39
Priority	
Amendments, R.12.3(a)—(b)	45–46
Motions	
Conference committees, R.7.10	20
Motions during debate, R.11.2	39
Recognition of members, R.8.4.....	28
Senate amendments, R.12.6(a).....	47
Senate bill, House amendments, R.12.6(b)....	47
Privilege of floor	
Generally, R.8.1	27
Lobbying not permitted, R.8.1(e)	27
Privilege of the House interrupts, R.8.7(a)	28
Probable cause	<i>See Complaints</i>
Probation of member	
<i>See Penalties under Member Conduct</i>	
Proposed council bills	
Consideration of, R.7.9	19–20
Content of notice, R.7.11(b).....	20
Report, R.7.17	23
Proxy voting prohibited, R.3.2	5
Public records	
Confidentiality, R.16.2(g)	69
Legislative records maintenance, R.14.2	53
Legislative records, R.14.1	53
Publication of documents, Chief Clerk, R.4.2	7
Question	
Debate in the form of, R.8.7(b).....	28
Division of, R.11.4	39
Members vote on each question put, R.9.1	31
Previous	<i>See under Motions</i>
Reconsideration	<i>See Reconsideration</i>
Question of order	
Amendment	
Fiscal impact, R.6.5	15
Germanity, R.12.8(a)(2)	48
Principal substance of another bill, R.12.9	48
Appeal of ruling	<i>See Appeal</i>
Decided by chair, council or committee R.7.3	18
Decided by Speaker, session, R.2.3(a).....	3
Decided without debate, R.11.3	39
Determined by the Speaker, R.2.3(a).....	3
Fiscal impact, R.6.5	15
Germanity, R.12.8(a)(2).....	48
Parliamentarian may advise, R.4.1	7
Rules Chair, recommendation of, R.2.3(a)	3
Speaker may require authority for, R.2.3(a)	3
Quorum	
Councils and committees, R.7.13	22
Definition, House, R.10.4	34
Ex officio not counted, R.7.13	22
Legislative day, requires presence, R.13.8	52
No member may answer for another, R.9.5(b)	32
Probable Cause Panel, R.16.2(c)(3).....	64

Quorum (cont.)	
Roll call	
Order of business, R.2.1	3
Session attendance, R.3.3(b)(2).....	6
Voting, R.9.2.....	31
Testimony only when established,	
R.16.1(e)(2).....	61
Readings of bills	
Generally, R.10.6-10.10	34–35
By publication	
Ceremonial resolutions	<i>See under this topic</i>
First reading, R.10.7	34
Ceremonial resolutions	
Adoption, R.10.9(b).....	34
Procedure for, R.10.16.....	34
Companion measures, R.5.13	12
Concurrent resolutions, memorials, R.10.8	34
First reading, R.5.2	9
By publication, R.10.7.....	34
Timely filing required, R.5.2	9
House resolutions, R.10.9	34
Joint resolutions, R.10.7.....	34
Nullity after recommitment, R.11.10	42
Passage after two readings	
Concurrent resolutions, memorials, R.10.8.....	34
House resolutions, R.10.9.....	34
Reading defined, R.10.6.....	34
Second reading	
Bills after 55th day, R.10.17.....	37
Companion measures, R.5.13.....	12
Deemed on third reading after, R.10.10(c).....	35
Deferral, sponsor absent, R.10.15	36
Order on third reading, R.10.10(a).....	35
Recommitted on third reading, R.11.12(c).....	43
Special Order Calendar, R.10.11	35
Third reading	
Bills after 58th day, R.10.18.....	37
Daily order of business, R.10.2(a)(12).....	33
Deferral of bills, R.10.15	36
Measures on, order of procedure, R.10.10.....	35
Order on, R.10.10(a).....	35
Renewal of previous question on, R.11.8(a).....	41
Waiver of reading requirements, R.10.7.....	34
Recall of acts from Governor, R.5.11(a).....	12
Recess	
Motion precedence, R.11.2(a)(3).....	39
Motion to recess to a time certain, R.11.5	39
Open meetings, exception, R.3.4(c).....	6
Recognition of gallery guests, R.8.5	28
Recommit	
After reported to calendar, R.11.12(a).....	43
Motion, R.11.12	43
On third reading, amended, returns to second reading, R.11.12(c)	43
Precedence, R.11.2(a)(10).....	39
Reconsideration barred, R.11.7(g).....	40
Reconsideration	
After House vote to refer, R.11.7(g).....	40
Amendment on third reading, R.12.4(c).....	46
Bills held for period, R.11.7(h).....	40

Reconsideration (cont.)	
Collateral matters, disposing of matter	
During main subject consideration, R.7.16(c).....	23
Out of order after House passes to other business, R.11.7(f).....	40
Council, committee, or subcommittee	
Extended session, R.7.16(b).....	22
Notice, R.7.11(b)	20
Procedure, R.7.16	22
Special session, R.7.16(b)	23
Debate, R.11.7(d)	40
Disposition of, R.11.7(f)	40
House, R.11.7	40–41
Last 14 days of session, R.11.7(j).....	41
Main question or motion, R.11.7(a).....	40
Notice to report bill immediately, R.7.16(b)	22
Precedence of motion, R.11.2(a)(5).....	39
Renewal after disposition	
Council, R.7.16(e).....	23
Session, R.11.7(c).....	40
Retain bill in council or committee,	
R.7.16(d)	23
Voice or tie vote	
House, R.11.7(a).....	40
Who may move, council and committee, R.7.16(a).....	22
Vote required, R.11.7(c)	40
Who may make motion	
Any member, supermajority vote failed, R.11.7(b).....	40
Any member, tie or voice vote, R.11.7(a).....	40
Council or committee, R.7.16(a).....	22
Member on prevailing side, R.11.7(a)	40
Records of House	
Chief Clerk role, R.4.2	7
Legislative records, R.14.1	53
Maintenance, R.14.2	53–54
Rights of witnesses, R.16.1(d)(5)	61
Reference	
Generally, Rule Six.....	15–16
Additional council or committee	
By motion, upon two-thirds vote, R.11.11(d).....	42
Council substitutes, R.6.3(b).....	15
Appropriations or tax matters, R.6.5.....	15
Change of, by motion, R.11.11(b)	42
Contest of seat, R.1.3	1
Council substitutes, reference, R.6.3(b).....	15
Different council, R.11.11.....	42
Engrossing before third reading, R.10.10(b)	35
Journal, R.6.2(b).....	15
Message, Senate amendment, R.12.6(c).....	47
Motion for, R.11.11.....	42
Motion to spread remarks, R.8.2(b).....	27
Order of reference, R.6.2(a).....	15
Publication of, R.6.2(b).....	15
Reconsideration barred, R.11.7(g).....	40
Rules & Calendar Council, remarks, R.8.2(b).....	27

Reference (cont.)	
Senate bills, R.6.2(a)	15
With House companion, R.6.3(a)	15
Speaker	
Generally, R.6.2(a)	15
Additional references, R.6.3(b)	15
Appropriations or tax matters, R.6.5(b)	15
Authority, R.6.1	15
Order of reference, R.6.2(a)	15
Referral after floor amendment, R.6.5(b).....	15
Veto messages, R.6.6	16
Withdraw, two-thirds vote, R.11.11(a)	42
Without, organizational matters, R.6.4	15
Refusal to concur, R.12.6	47
Remarks spread upon Journal, R.8.2(b)	27
Resolutions	
Generally, R.5.9	11–12
Bill limit exception	
Ceremonial, R.5.3(b)(2)	9
Concurrent, organizational, R.5.3(b)(4)	9
Ceremonial	<i>See</i> Ceremonial resolutions
Concurrent	<i>See</i> Concurrent resolutions
First reading, R.5.2	9
House	<i>See</i> House resolutions
Joint	<i>See</i> Joint resolutions
Transmitted immediately, R.11.7(h).....	41
Resolving clause
<i>See Enacting or resolving clause under Bills</i>	
Retain bill for reconsideration, R.7.16(b).....	22
Reviser's bills	
Amendment restrictions, R.12.3(e)	46
Consideration of, R.5.7	11
Drafting, R.5.11(a)	12
Introduced, Rules & Calendar Council, R.5.7 ..	11
Requirements for introduction, R.5.11(a)	12
Roll call	
Generally, R.9.2	31
Quorum	<i>See</i> Roll call <i>under</i> Quorum
Taking the yeas and nays, R.9.2.....	31
Vote after	
Council or committee, R.7.15(b).....	22
Session, R.9.4	31
Voting	<i>See</i> Voting
Rules	
Generally, Rule Thirteen.....	51–52
Advisory opinions	<i>See also</i> Advisory opinions
Member requests, R.15.8	56
Amending, R.13.2	51
Mason's Manual of Legis. Proc., R.13.1	51
Parliamentary authorities, R.13.1	51
Point of order, citing Rule in support, R.2.3(a) ..	3
Political party conference, R.1.2	1
Preserving inherent authority, R.13.5	51
Speaker interprets and applies, R.2.2	3
Term, R.13.3.....	51
Waiver of, R.13.2. <i>See also</i> Waiver of Rules ..	51
Rules & Calendar Council	
Amending Rules of the House, R.13.2	51
Bills placed in, when, R.10.11(b).....	35
Ceremonial resolutions, procedure, R.10.16.....	37

Rules & Calendar Council (cont.)	
Chair	
Approval of materials, Chamber, R.8.9(a)(1)	29
Approval of signs, placards, R.14.4	54
Authorizes use of House seal, R.14.5(a)	54
Ceremonial House resolutions, R.5.9(b)	11
Consent Calendar, R.10.13	36
Daily order, after 45th day, R.10.2(d)	33
House seal, use of, R.14.5(a)—(c)	54
Motion to spread remarks, R.8.2(b)	27
Questions of order, R.2.3(a)	3
Review of complaints against, R.16.2(b).....	62
Special Order requests, R.10.11(a)(2).....	35
Temporary presiding officer, R.2.5	4
Meetings, exception, R.7.11(j)	21
Motion to spread remarks, R.8.2(b)	27
Order of business, R.10.2(d)	33
Point or question of order, R.2.3(a)	3
Reviser's bills, R.5.7	11
Rules changes, R.13.2	51
Special floor procedures, R.10.11(c)	36
Special Order Calendar, R.10.11	35–36
Special session, bills placed in, R.10.11(b)(2)	36
Standing councils and committees, R.7.1(a)(7).....	17
Technical amendments, R.12.4(b)	46
Vice chair, order of business, R.10.2(d)	33
Seal, House	
Generally, R.14.5	54
Configuration, R.14.5(b)	54
Custodian, R.14.5(d)	54
Requirement, R.14.5(a)	54
Use of, R.14.5	54
Official duties, R.14.5(a)	54
Rules Chair, written exception, R.14.5(a)	54
Second reading	<i>See under</i> Readings of bills
Secondary matters, reconsideration, R.11.7(e).....	40
Select Committee on Standards of Official Conduct	<i>See under</i> Complaints
Select committees	
Generally, R.7.6	19
Complaint proceedings, R.16.2(e) – (f)	65–66
Contempt citation, R.16.1(b)(3)	59
Council and committee appointments, R.7.2	18
Creation of, R.7.6	19
Daily order of business, R.10.2(a)(9)	33
Distribution, reports from, R.8.9(a)(2)	29
Exercising committee powers, R.7.24(b).....	25
Hearing on member's suspension, R.15.12(b).....	57
Issuance of subpoena, R.16.1(a)(1).....	59
Senate	
Amendments to House bills, R.12.6(a).....	47
Members of, privilege of the floor, R.8.1(b)	27
Messages from	
Consideration, generally, R.10.5	34
Daily order of business, R.10.2(a)(7).....	33
Senate amendments and motions, R.12.6.....	47

Senate (cont.)

Senate bills	See Senate bills
Transmitting bills to	See Transmittal to Senate under Bills
Senate bills	
Amendments to, R.10.10(b).....	35
Companion measure	
Paired with companion, R.6.3(a).....	15
Recommitment of House bill automatically carries companion, R.11.12(d).....	43
Substantially similar, R.5.13	12
House amendments to	
Council reports, R.12.3(a).....	45
Engrossing, R.10.10(b).....	35
Favorable council reports, R.7.17	23
Senate refusal to concur with, R.12.6(b).....	47
Reference, generally, R.6.2(a)	15
Third reading, engrossing, R.10.10(b).....	35
Sequence of amendments, R.12.3	45
Sergeant at Arms	
Generally, R.4.3	7
Appointment, R.1.1(c).....	1
Duties, generally, R.4.3	7
Sessions	
Adjournment.....	See Adjournment
Concurrent resolution extending	
Adopted without reference, R.6.4	15
Authorized, R.5.9(a).....	11
Bill filing limit, R.5.3(b)(4).....	9
Exception to filing deadline, R.5.2.....	9
Exempt from reading requirement, R.10.8.....	34
Council, committee meetings during, R.7.14	22
Daily order of business, R.10.2.....	33
Daily, R.10.1	33
Extended	
Appointments, expiration of, R.7.5	19
Bills placed in Rules & Calendar Council, R.10.11(b)(1)	35
Bills transmitted immediately, R.11.7(j).....	41
Notice deadlines, R.7.11(e)	21
Retaining bills disallowed, R.7.16(b).....	23
Special Order Calendar, R.10.11(b)(3)	36
Transmittal of bills to Senate, R.11.7(j).....	41
Organization	
Resolution, introduction, R.5.11(a).....	12
Resolution, no reference required, R.6.4.....	15
Seating challenges, R.1.3.....	1
Regular	
Bills filed during interim, R.5.10	12
Conference committee meetings, R.7.22	24
Consideration limits after day 55, R.10.17.....	37
Consideration limits after day 58, R.10.18.....	37
Council and committee meeting notices, R.7.11(e).....	21
Filing deadlines for amendments, R.12.2.....	45
Filing deadlines, floor amendments, R.12.2	45
Last 14 days, bills transmitted, R.11.7(j)	41
Last 20 days, retaining bills disallowed, R.7.16(b).....	22
Limitation on member bills filed, R.5.3.....	9

Sessions (cont.)

Member bill filing deadline, R.5.2	9
Notice deadlines, R.7.11(e).....	21
Order of business after 45th day, R.10.2(d).....	33
Prohibition on solicitation, R.15.3(b).....	55
Restriction on lobbyist contribution, R.16.3(a)(3).....	71
Seating challenges, R.1.3	1
Special Order Calendar, R.10.11	35
Term of appointment, R.7.5	19
Special	
Appointments, expiration of, R.7.5	19
Bills placed in Rules & Calendar Council, R.10.11(b)(2)	36
Bills transmitted immediately, R.11.7(j).....	41
Contest of seat, R.1.3.....	1
Notice deadlines, R.7.11(e).....	21
Order of business, R.10.2(b)	33
Reconsider, council or committee, R.7.16(b).....	22
Special Order Calendar, R.10.11(b)(3)	36
Transmittal of bills to Senate, R.11.7(j).....	41
Sheriffs execute process, orders, R.16.1(b)(5)....	60
Showing of five hands, R.9.2.....	31
Signs, placards, etc., display, R.14.4	54
Sine die, R.7.5	19
Single subject rule.....	See Art. III, s. 6, Florida Constitution
Speaker	
Generally, Rule Two	3-4
Absence of, R.2.5	4
Amendments	
Germanity determination, R.12.8(a)(2).....	48
Recognizing sponsor of, R.12.3(a).....	45
Appeal decisions of, R.2.3(c).....	3
Appeal of chair's decisions to, R.2.3(b).....	3
Appeal of committee chair's ruling, R.7.3	18
Appointment	
Chairs and vice chairs, R.7.5.....	19
Conference committees, R.7.2	18
Councils and committees, R.7.2.....	18
Expiration, R.7.5.....	19
Member suspension, committee, R.15.11	57
Officers, R.1.1(b).....	1
Probable Cause Panel	See under Complaints
Select Committee on Standards of Official Conduct, R.16.2(e)(1).....	65
Select committee, creation of, R.7.6	19
Special Investigator	See under Complaints
Special Master, claim bills, R.5.6(a)	10
Standing councils and committees, R.7.2	18
Temporary chair, committees, R.7.4	18
Temporary chair, preside over House, R.2.5	4
Approves proposed council bills (PCBs), R.7.9.....	19
Complaints	
Against Speaker, R.16.2(i)	69
Receipt of, R.16.2(b).....	62
Conflict of interest, disclosure, R.9.3	31

Speaker (cont.)

Control of Chamber and other facilities, R.2.7	4
Council and committee meetings	
Authorization, R.7.8	19
Closing of, R.7.23(a)	24
Designates council ex officio, R.7.7.....	19
Leave to extend, R.7.11(i).....	21
Notice between sessions, R.7.11(d).....	21
Council ex officio members, designates, R.7.7	19
Declares all votes, R.9.2.....	31
Dilatory motions, R.11.13.....	43
Discretion of Speaker	
Employees admitted to Chamber, R.8.1(c) ...	27
Miscellaneous papers, R.8.10.....	29
Suspend member convicted, R.15.12(a).....	57
Suspend member who pleads guilty, R.15.11.....	57
Election of	
Presiding officer, R.1.1(a)(1).....	1
Seating challenges delayed until, R.1.3.....	1
Employees	
Complaints against, R.16.2(b)(2)	63
Employed by, at pleasure of, R.4.4	7
Floor privileges, R.8.1(c).....	27
Ex officio, council, designates, R.3.3(b)(1).....	19
Excused absence of members	
Council and committee attendance, R.3.3(a) ...	5
Felony indictment, R.15.10(a).....	57
Presumed present after roll call, R.3.3(b)(2)....	6
Session attendance, R.3.3(b)(1).....	6
Expenditures, generally, R.2.4	4
Legal proceedings	<i>See</i> Legal proceedings
Legislative records, compliance, R.14.2(c)(2)...	53
Majority Leader, selection, R.1.1(b).....	1
Miscellaneous papers, R.8.10	29
Motions received by	
Dilatory determined by, R.11.13	39
During debate, R.11.2.....	39
Form of, R.11.1	39
Open meetings, closing, R.7.23(a).....	24
Parliamentarian assists, R.4.1	7
Points of order, decisions, R.2.3(a).....	3
Prayer, R.10.3	34
Presiding, R.2.1	3
Privilege of the floor	
Employees' admission, R.8.1(c).....	27
Others' admission, R.8.1(d).....	27
Proposed council bills (PCBs), R.7.9.....	19
Question of order in committee, R.2.3(b).....	3
Questions of order, decisions	
Appeal to House, R.2.3(c).....	3
Decided without debate, R.11.3	39
Not appealable, R.2.3(d).....	3
Presented for Speaker determination, R.2.3(a)	3
Reading of bills, determination, R.10.6	34
Recognition, power of, R.8.2	27-28
Addressing the House, R.8.2(a).....	27
Amendment deemed pending, R.12.3(d)	46

Speaker (cont.)

Recognition, power of (cont.)	
Gallery visitors, R.8.5.....	28
No appeal, R.8.4	28
Taking up amendments, R.12.3(a)	45
When two members rise at once, R.8.3.....	27
Recommit bill after fiscal amendment, R.6.5(b)	15
Remarks spread upon Journal, R.8.2(b).....	27
Reserve times, authority to, R.7.8.....	19
Review complaints against Rules Chair, R.16.2(b)(2)	62
Rules, interpreting, R.2.2	3
Senate amendments, R.12.6(c).....	47
Signature, R.2.4.....	4
Speaker pro tempore	
Complaints, duties, R.16.2(i).....	69
Ex officio member of council, R.7.7	19
Officer, R.1.1(b)	1
Selection, R.1.1(b).....	1
When presiding, R.2.5	4
Speaker pro tempore	<i>See under</i> Speaker
Subpoenas	
Approval, R.16.1(a)(1)	59
Signing, R.2.4	4
Temporary presiding officer	
Appointment, R.2.5	4
Duty to vote, R.9.3	31
Veto messages, reference, R.6.6	16
Vote, when required by, R.9.3	31
Special floor procedures, R.10.11(c)	36
Special Order Calendar	
Generally, R.10.11	35-36
After day 55, R.10.11(a)(3).....	35
Consideration of bills not on, R.10.12	36
Expedited, R.10.13	36
Extended or special session, R.10.11(b).....	36
Local bill	
Restriction, general law exemption, R.5.5(b).....	10
Publication, R.10.11(a)(3)-(b)(4)	35
Request for placement on, R.10.11(a)(2).....	35
Requirement for placement on, R.10.14	36
Second Reading, R.10.11	35
Trust fund bills, R.10.11(a)(1)	35
Unfinished business, R.10.11(a)(1)	35
Special session	<i>See Special under Sessions</i>
Sponsor	
Added or deleted, R.5.4(b).....	10
Amendments	
Council and committee, R.7.12	22
Recognition by Speaker, R.12.3(a)	45
Timely filed, R.12.2.....	45
Cosponsor, R.5.4(b).....	10
Council or committee meeting notice, R.7.11 ...	20
Council substitutes, R.7.19	23
Deferral of bills, R.10.15	36
First-named	
Adding or deleting sponsors, R.5.4(b)	10
Bill filing limit, R.5.3(a).....	9

Sponsor (cont.)

Informal deferral, temporary absence of, R.10.15.....	36
Motion for the previous question, R.11.8(d).....	41
Motion to lay on table, R.11.6.....	40
Motion to limit debate, R.11.9.....	41
Notice of meetings, R.7.11(a).....	20
Proposed council bills, R.7.9.....	20
Right to close, R.8.8.....	28
Speaking and debate, R.8.7(a).....	28
Withdraw by letter prior to introduction, R.11.11(f)(2).....	42
Lay on table, R.11.6.....	40
Limit debate, rights of, R.11.9.....	41
Limitation on bills filed, R.5.3.....	9
Notice of meetings, R.7.11(a).....	20
Notified of similar measures, R.5.11(b).....	12
Previous question	
First-named sponsor, R.11.8(d).....	41
Motion not in order, R.11.8(d).....	41
Right to debate when adopted, R.11.8(b).....	41
Right to close, R.8.8.....	28
Similar measure, notified, R.5.11(b).....	12
Sponsor absent, R.10.15.....	36
Time allowed for debate	
Generally, R.8.7(a).....	28
Motion for the previous question, R.11.8(b).....	41
Motion to lay on table, R.11.6.....	40
Motion to limit debate, R.11.9.....	41
Tributes, R.5.9(d).....	12
Withdrawal of bill	
By letter prior to introduction, R.11.11(f)(2).....	42
By motion upon request, R.11.11(f)(1).....	42
Spread remarks upon Journal, motion referred to Rules Chair, R.8.2(b).....	27
Standing councils and committees, R.7.1, See also Councils, committees, or subcommittees.....	17
Subpoena, legislative	
Adjudicatory hearing, complaint, R.16.2(d)(2).....	67
Chair signature, R.7.3.....	18
Contempt proceedings, R.16.1(b).....	59
Enforcement out of session, R.16.1(f).....	61
Issuance, R.16.1(a).....	59
Power, R.7.20.....	24
Probable cause, complaint, R.16.2(d)(1)d.....	64
Right of witnesses, R.16.1(d).....	60
Speaker signature, R.2.4.....	4
Substituting companion measures, R.5.13.....	12
Suspension of member	
Felony charge, voluntary, R.15.10.....	57
Felony conviction of a member, R.15.12.....	57
Felony conviction, hearing, R.15.12(b).....	57
Felony guilty plea of a member, R.15.11.....	57
Table measure	
Bills reported unfavorably, R.7.18.....	23
Companion measures, upon substitution, R.5.13.....	13

Table measure (cont.)

Council substitute filed, original bill, R.7.19.....	23
Reports on bills, R.7.17.....	23
Take bill from table	
Council, after committee reports unfavorably, R.7.18.....	23
Tax matters, amendments affecting, R.6.5(b)....	15
Temporarily postpone	
Motion to, R.11.10.....	42
Precedence of motion to, R.11.2(a)(8).....	39
Temporary presiding officer	
Appointment of, R.2.5.....	4
Vote, R.9.3.....	31
Third reading.....See under Readings of bills	
Title amendments, germanity, R.12.8(a)(1).....	48
Title requirements for bills	
Generally, R.5.11(a).....	12
Local bills, R.5.5(c).....	10
Resolutions, R.5.9(a).....	11
Transmitting bills to Senate	
Bills the Chief Clerk retains, R.11.7(h).....	40
Bills transmitted without delay, R.11.7(h).....	40
Immediately certify, rules waiver, R.11.7(i).....	41
Last 14 days of session, R.11.7(j).....	41
Travel expenses, witnesses, R.16.1(d)(1).....	60
Tributes, R.5.9(d).....	12
Trust fund bills	
Bill limit, exception, R.5.3(b)(5).....	9
Special Order Calendar, R.10.11(a)(1).....	35
Unanimous consent	
Germanity waiver, R.12.8(d).....	48
Reconsideration	
Council or committee R.7.16(e).....	23
Renewing, R.11.7(c).....	40
Unfavorable report	
Generally, R.7.17.....	23
Out of order amendment, R.12.9(a).....	48
Take bill from table, R.7.18.....	23
Unfinished business	
Daily order of business, R.10.2(a)(15).....	33
Special Order Calendar, R.10.11(a)(1).....	35
Temporarily postponed, not brought back up, R.11.10.....	42
Validation of bills, R.5.12.....	12
Veto messages, reference, R.6.6.....	16
Vice chair.....See Chair or vice chair under Councils, committees, or subcommittees	
Visitors, gallery, recognition, R.8.5.....	28
Voting	
Generally, Rule Nine.....	31–32
Abstain from, R.3.2.....	5
After roll call	
Absent members, R.7.15(b).....	22
Council or committee, R.7.15(b).....	22
Finality not affected, R.9.4.....	31
Session, R.9.4.....	31
Amendments	
Order of consideration R.12.3(b).....	45
Third reading, two-thirds, R.12.4.....	46

Voting (cont.)

Ceremonial resolutions, vote waived, R.10.9(b)	34
Changing vote, R.9.4	31
Concurrent resolutions, voice vote, R.10.8	34
Conference committee report, R.7.10(b)	20
Conflict of interest Speaker, temporary presiding officer, R.9.3	31
Special private gain, R.3.2	5
Contested seat, R.1.3	1
Council, committee, or subcommittee, R.7.15	22
Declaring votes, R.9.2	31
Discipline of member, R.15.9	56
Disclosure Speaker, temporary presiding officer, R.9.3	31
Special private gain, R.3.2	5
Doubt, showing five hands, R.9.2	31
Electronic roll call, R.9.2	31
Ex officio council or committee member, R.7.7	19
Explanation of vote, R.9.6	32
Extraordinary, R.13.7	52
Final passage of measure Bills and joint resolutions, R.10.7	34
Vote of presiding officer, R.9.3	31
House resolutions, voice vote, R.10.9(a)	34
Immediately certify to Senate, 11.7(i)	41
Journal entry Explanation of vote, R.9.6	32
Votes after roll call, R.9.4(a)	31
Yeas and nays, R.9.2	31
Majority vote required unless indicated, R.13.6	52
Mechanical malfunction, R.9.4(b)	31
Members vote on each question put, R.9.1	31
Memorials, voice vote, R.10.8	34
Miscellaneous papers, reading of, R.8.10	29
Non-member voting prohibited, R.9.5(d)	32
Obligation, R.3.2	5
Oral roll call, R.9.2	31
Proxy voting prohibited, R.3.2	5
Quorum Ex officio members, R.7.7	19
Majority of membership, R.10.4	34
Voting for another prohibited, R.9.5(b)	32
Yeas and nays, R.9.2	31
Reconsideration	<i>See</i> Reconsideration
Recording vote Council or committee, R.7.15(c)	22
Votes after roll call, R.9.4	31

Voting (cont.)

Showing of hands by five members, R.9.2	31
Speaker's vote, R.9.3	31
Substituting companion measure, R.5.13	12
Take bill from table, R.7.18	23
Taking vote, R.9.2	31
Temporary presiding officer's vote, R.9.3	31
Tie vote Majority action fails, R.13.6	52
<i>See</i> Voice or tie vote <i>under</i> Reconsideration	22
Unanimous consent Germanity waiver, R.12.8(d)	48
Motion to reconsider, R.11.7(c)	40
Reconsider, council or committee, R.7.16(e)	23
Voice vote Concurrent resolutions, memorials, R.10.8	34
House resolutions, R.10.9(a)	34
Voting for another member, R.9.5	32
Vouchers	<i>See</i> Expenses and expenditures
Waiver of Rules Generally suspending, R.14	53-54
Germanity, R.12.8(d)	48
Immediately certify, R.11.7(i)	41
Readings of bills, R.10.7	34
Substitute Senate bill, different reading, R.5.13	12
Unanimous consent, R.12.8(d)	48
Well of House, use by members, R.8.2(a)	27
Withdraw bill From committee (revoking reference), R.6.7	16
From council To a different council, R.11.11(b)	42
Two-thirds vote requirement, R.11.11(a)	42
From further consideration Not counted toward bill limit, R.5.3(b)(9)	9
Out of order amendment, R.12.9(b)	48
Prior to introduction, letter, R.11.11(f)(2)	42
Witnesses Administration of oath Claim bill hearing, R.5.6	11
Council, committee meeting, R.7.21	24
Preliminary investigations, R.16.2(d)(1)b	64
Protection of witness during meeting, R.7.23(a)	24
Reimbursement, R.16.1(d)(1)	60
Rights of, R.16.1(d)	60-61
Special Master administering oath, R.5.6(a)	11
Subpoena	<i>See</i> Subpoena
Writs, documents, execution, R.2.4	4
Written motion, Speaker may require, R.11.1	39
Yeas and nays, taking of, R.9.2	31