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# CONSTITUTION REVISION COMMISSION

— 2017 - 2018 —

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CARLOS BERUFE, CHAIRMAN

## MEETING NOTICE

DATE: Monday, March 20, 2017  
TIME: 2:00 p.m. – 4:00 p.m.  
LOCATION: Senate Chambers, The Capitol

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Welcoming Remarks

Oath of Office

Rules of the Commission

Ethics Briefing

**RULES OF THE 2017-2018  
CONSTITUTION REVISION COMMISSION**

**RULE ONE  
CHAIR, OFFICERS, MEMBERS, AND EMPLOYEES**

**PART ONE—COMMISSION CHAIR**

**1.1 Appointment of the Chair.—**

The Chair of the Constitution Revision Commission is appointed by the Governor pursuant to Article XI, section 2 of the Constitution of the State of Florida.

**1.2 Employment of Executive Director.—**

The Commission Chair shall employ on behalf of the Commission an Executive Director who shall employ with the approval of the Chair such personnel of the Commission as may be necessary to perform the functions of the Commission. The Executive Director serves at the pleasure of the Commission Chair.

**1.3 Appointment of Committees.—**

The Commission Chair, in consultation with members of the Commission, shall appoint all standing and select committees, and the members of each, and unless otherwise provided shall designate a chair and vice-chair of each committee.

**1.4 Calling the Commission to order.—**

The Commission Chair shall take the chair each day at the hour established by the Commission at the last meeting or by the Rules and Administration Committee. On appearance of a quorum, the Commission Chair shall call the members to order and proceed with the daily order of business.

**1.5 Commission Chair's control of order.—**

The Commission Chair shall decide all questions of order, subject to appeal by three (3) members to the Commission. The Commission Chair may require the member raising the point of order to cite the Rule or other authority in support of the question. Upon appeal, no member (except the member making the appeal) shall speak more than once, except by permission of the Commission Chair. The member making the appeal shall have the right to speak five minutes in closing, and the Commission Chair shall have the right to speak five minutes from the floor to close the debate. The appeal shall be decided by a majority vote.

**1.6 The Commission Chair's control of chamber, corridors, and rooms.—**

The Commission Chair shall preserve order and decorum and, while the Commission is meeting, shall have general control of the Chamber, galleries, halls, and rooms surrounding the Chamber as well as distribution of literature and other materials in those areas.

**1.7 The Commission Chair's vote.—**

The Commission Chair shall not be required to vote in ordinary proceedings, except on final passage of any proposed revision or part thereof of the Constitution, unless the Commission Chair's vote is needed to break a tie. In all roll call votes, the Commission Chair's name shall be called last.

**1.8 Vacating the chair.—**

The Commission Chair may name any member to perform the duties of the Chair, but such substitution shall not extend beyond one Commission meeting.

**PART TWO—COMMISSION OFFICERS: SECRETARY OF THE COMMISSION AND SERGEANT-AT-ARMS**

**1.9 Appointment of a Secretary of the Commission.—**

The Secretary of the Commission shall be designated by the Commission Chair.

**1.10 Secretary's duties generally; maintains Journal.—**

The Secretary of the Commission shall keep a correct daily Journal of the proceedings of the Commission, and this Journal shall be numbered serially from the first day of the full Commission meeting. The Secretary shall retain custody of all records or papers belonging to the Commission and shall not permit any records or papers belonging to the Commission to be removed from the custody of the Secretary other than in the regular course of business and with proper receipt.

**1.11 Secretary's duties; prepares calendar of public hearing and meeting notices of the Commission.—**

The Secretary shall publish a calendar as provided by the Rules and Administration Committee in accordance with these Rules. The calendar shall include notices of public hearings and all other matters of public information as shall be necessary to properly advise the members and the public of the official meetings of the Commission. Such notice, including an agenda of items to be considered, shall be published no less than five (5) days prior to Commission meetings when the Commission is not meeting. During meetings of the Commission, notice may be made by announcement by the Chair or committee chair while the Commission is meeting.

**1.12 Secretary's duties; reads papers and calls roll.—**

The Secretary shall read to the Commission all papers ordered to be read, note responses of members when the roll is called to determine the presence of a quorum, call the roll and tabulate the answers of members when a question is taken by yeas and nays, and assist, under the direction of the Commission Chair, in taking the count when any vote of the Commission is taken by a show of hands or otherwise.

**1.13 Secretary's duties; prepares printed forms.—**

The Secretary shall prepare all forms used by the Commission.

**1.14 Secretary's duties; indexes proposals.—**

The Secretary shall maintain a numerical index of proposals filed by members and a cumulative index by introducers. The Secretary shall superintend the engrossing and enrolling of all proposals.

**1.15 Appointment of a Sergeant-at-Arms.—**

The Sergeant-at-Arms shall be designated by the Commission Chair.

**1.16 Duties of the Sergeant-at-Arms.—**

The Sergeant-at-Arms shall attend the Commission during its meetings, maintain order under the direction of the Commission Chair, and execute the commands of the Commission.

**PART THREE—COMMISSION MEMBERS**

**1.17 Attendance and voting.—**

Unless a Commission member has submitted the written notice provided in Rule 1.18, every Commission member shall be within the Commission's chamber during its meetings and shall vote on each question during its meetings except as follows. If the vote is on a question which would inure to a Commissioner's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the Commissioner is retained or to the parent organization or subsidiary of a corporate principal by which the Commissioner is retained; or which the Commissioner knows would inure to the special gain or loss of a relative or business associate of the Commissioner; the Commissioner must file with the Secretary, prior to or at the time of the vote, a statement disclosing a conflict of interest which discloses the nature of his or her interest, and refrain from voting. If a Commissioner later discovers that a conflict existed, within 15 days, the Commissioner shall file with the Secretary a statement disclosing the conflict and the nature of his or her interest. For purposes of the vote result, the subsequent filing of a disclosure of a conflict of interest will be treated in the same manner as a change of vote in Rule 5.2.

A Commission member may appear by telephonic or video communications technology, if approved by the Commission Chair. A Commission member appearing by telephonic or video communications technology shall be considered present as if the member was within the Commission's chamber.

**1.18 Absences.—**

If a member is unable to attend any Commission proceeding, the Commissioner shall submit written notice of the absence to the Commission Chair. The notice shall be noted in the Journal.

**1.19 Incurring obligations.—**

Only the Commission Chair may incur any obligation payable from Commission funds. A member of the Commission must obtain written approval from the Commission Chair explicitly authorizing an obligation payable from Commission funds before such obligation may be incurred.

**PART FOUR—EMPLOYEES OF THE COMMISSION**

**1.20 Executive Director.—**

The Commission Executive Director serves at the pleasure of the Commission Chair.

**1.21 Commission personnel.—**

The Executive Director, with the approval of the Commission Chair, may employ such personnel of the Commission as may be necessary to perform the functions of the Commission. The personnel serve at the pleasure of the Chair, and the Executive Director has the authority to dismiss any employee with the approval of the Commission Chair.

**1.22 Personnel; duties and hours.—**

Commission personnel shall perform the duties assigned them by the Commission Chair or the Executive Director and shall remain on duty as required.

**PART FIVE—PUBLIC RECORDS AND PUBLIC MEETINGS**

**1.23 Public records.—**

All records of the Commission shall be accessible to the public unless otherwise exempted by law.

**1.24 Open meetings.—**

All meetings at which Commission business is discussed between more than two (2) members of the Commission shall be open to the public, following the procedure outlined in the Florida Constitution, Article III, Section 4(e).

For purposes of this Rule, “Commission business” is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Commission or a Commission committee.

**RULE TWO**

**COMMITTEES, OFFICERS, MEMBERS, VOTING, MOTIONS, DECORUM, AND DEBATE**

**PART ONE—COMMITTEE ORGANIZATION, DUTIES, AND RESPONSIBILITIES**

**2.1 Standing substantive committees; creation.—**

There is hereby created the following substantive standing committees:

1. Declaration of Rights, Ethics, and Elections (Article I, part of Article II, and Article IV)
2. Executive (Article IV)
3. Judicial (Article V)
4. Legislative (Article III)
5. Local Government and General Provisions (Article II, VIII, X, XI, and XII)
6. Finance and Taxation (Article VII)
7. Education (Article IX)

Each standing committee shall be composed of no less than five (5) members. Additional standing committees may be named by the Commission Chair.

**2.2 Substantive standing committees; powers and responsibilities.—**

The standing substantive committees shall review proposals referred to them by the Commission Chair in relation to the Constitution of the State of Florida, as revised in 1968 and subsequently amended, and report the results of their deliberations to the full Commission.

**2.3 Standing procedural committees.—**

There is hereby created the following procedural committees:

1. The Style and Drafting Committee. The Style and Drafting Committee shall have the responsibility for clarifying, codifying, grouping, and arranging the proposals for final consideration by the Commission into an orderly revision of or amendment(s) to an existing Section or Article of the present Constitution. It shall also prepare the Commission's final report.
2. The Rules and Administration Committee. The Rules and Administration Committee shall be responsible for setting the daily calendar and any additions thereto. It shall also see that the proceedings of the Commission, in full meetings, are in accordance with the Rules of the Commission and consider such matters as may be referred to it by the Commission Chair. It shall also provide a schedule of the days and hours for the meetings of the committees to prevent scheduling conflict among members. The committee will also be responsible for working with the Commission Chair and the Executive Director on administrative matters relating to the Commission's operation.

**2.4 Committees, meetings.—**

Each committee, substantive or procedural, shall meet publicly at such times as are called by the respective committee chair within the time period designated by the Rules and Administration Committee as provided in Rule 2.3, subject to the approval of the Commission Chair. The Committee Chair may excuse any member from attendance from committee meetings. If the majority of committee members present agree, a committee may continue the consideration of properly noticed agenda items after the expiration of the time called for the meeting, however, a committee may not meet beyond the time authorized by the Rules and Administration Committee without special leave granted by the Commission Chair.

**2.5 Committees, quorum.—**

A majority of the members of a committee shall constitute a quorum.

**PART TWO—COMMITTEES; OFFICERS**

**2.6 Committees; appointment of chair and vice-chair.—**

The Commission Chair shall appoint a chair and vice-chair of each committee who shall serve at the pleasure of the Commission Chair.

**2.7 Committees; calling committees to order.—**

The chair or, in the chair's absence, the vice-chair, shall call the committee to order. On the appearance of a quorum, the committee shall proceed with the order of business. Any member of the committee may question the absence of a quorum.

**2.8 Standing committees; powers of the chair.—**

The chair has all authority necessary to ensure the orderly operation of the 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 or not recognizing non-member presenters, and deciding questions of order, subject to an appeal by any member. An appeal shall be certified by the chair to the Commission for a decision by the Commission Chair. The Commission Chair may make a ruling during the next full Commission meeting or by letter.

**2.9 Chair and vice-chair; vote.—**

The chair and vice-chair shall vote on all matters before the committee. The name of the chair shall be called last.

## **PART THREE—COMMITTEES; VOTING**

### **2.10 Committees; taking the vote.—**

The chair shall declare all votes and shall cause the same to be entered on the records of the committee, but if any member questions a vote, then by a show of hands by three (3) members the chair shall call the roll. When the committee shall be equally divided, the question shall be lost.

### **2.11 Committees; proxy voting.—**

Each committee member shall attend all meetings and shall vote on each question except as follows. If the vote is on a question which would inure to a Commissioner's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the Commissioner is retained or to the parent organization or subsidiary of a corporate principal by which the Commissioner is retained; or which the Commissioner knows would inure to the special gain or loss of a relative or business associate of the Commissioner; the Commissioner must file with the Secretary, prior to or at the time of the vote, a statement disclosing a conflict of interest which discloses the nature of his or her interest, and refrain from voting. If a Commissioner later discovers that a conflict existed, within 15 days, the Commissioner shall file with the Secretary, a statement disclosing the conflict and the nature of his or her interest. For purposes of the vote result, the subsequent filing of a disclosure of a conflict of interest will be treated in the same manner as a change of vote in Rule 5.2. No member of a committee shall vote by proxy.

## **PART FOUR—COMMITTEES; CONSIDERATION AND REPORT**

### **2.12 Reports on Proposals.—**

A committee may report a proposal either unfavorably, favorably, or favorably as amended. A motion to lay on the table shall be construed as a motion to report the proposal unfavorably.

The vote of the members present of a committee on final consideration of any proposal shall be recorded.

### **2.13 Proposal reported unfavorably by a committee.—**

A proposal reported unfavorably by a committee shall be laid on the table.

### **2.14 Amendments in committee; referencing.—**

Each committee has the power to adopt amendments to a proposal. After any amendment to a proposal has been adopted and all questions relative to it have been disposed of, the proposal and amendment(s) shall be engrossed before consideration by a subsequent committee or the Commission. Any proposal reported favorably as amended is subject to being re-referenced at the discretion of the Commission Chair.

### **2.15 Committees; records.—**

Committees shall keep an accurate record of the committee's activity including, but not limited to, motions, amendments, and votes.

### **2.16 Committees; transmit proposals to Secretary.—**

Proposals after having been reported by all referenced committees shall be transmitted to the Secretary and available for consideration to be placed on the calendar. The Rules and Administration Committee shall establish a calendar for consideration of proposals and other matters in such order or manner as it deems proper.

### **2.17 Style and Drafting Committee reports; consideration.—**

1. The Style and Drafting Committee may consider amendments to clarify, codify, group, and arrange proposals into an orderly revision of or amendment(s) to an existing Section or Article of the present Constitution. All action taken by the Style and Drafting Committee shall be presented in a report to the full Commission.
2. When a report of the Style and Drafting Committee is presented to the full Commission, the procedure shall be:
  - (a) 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 Style and Drafting Committee.
  - (b) If the report is accepted, the final vote shall be a roll call on the passage of the proposal(s) as amended by the report. No further amendment of the report or the proposal(s) contained therein shall be in order.

## **RULE THREE**

### **PROPOSALS**

#### **3.1 Objectives.—**

The Constitution Revision Commission is vested with the duty to examine the Constitution of the State of Florida, as revised in 1968 and subsequently amended, hold public hearings, and file with the Secretary of State its proposal, if any. This Rule and each portion thereof addresses itself to the basic document under consideration, proposals for revision and procedures therefor.

#### **3.2 Base document.—**

The Constitution of the State of Florida, as revised in 1968 and subsequently amended, shall be the base document for all proposals. The Constitution shall be printed in legislative bill form.

#### **3.3 Commission consideration of public proposals.—**

Constitutional proposals submitted by the public shall be identified and listed in numerical order according to the order in which they were submitted and posted on the Commission's website. Any Commissioner may sponsor a publicly submitted proposal.

#### **3.4 Commissioners' proposals.—**

Those proposals submitted by Commissioners shall be filed with the Secretary of the Commission for reference by the Commission Chair.

#### **3.5 Form of proposals.—**

Proposed revisions to the Constitution filed with the Secretary shall be incorporated onto forms prescribed by the Secretary. The forms shall follow the form for bills used by the Florida Legislature. A proposal for revision shall address itself to the pertinent article, section, page, and line number of the 1968 Constitution, as subsequently amended, which it seeks to revise.

Existing language proposed to be deleted shall be lined through. Proposed new language shall be underlined. A proposal for revision of the Constitution shall be designated a proposal, and shall be referred to as such.

#### **3.6 Proposals for introduction.—**

All proposals submitted and timely filed with the Secretary by the sponsoring Commissioner shall be serially numbered and submitted to the Commission for any action as determined by the Commission. The Commission Chair shall refer proposals to the appropriate committee(s). The Rules and Administration Committee shall establish proposal filing deadlines and any amendments thereto.

#### **3.7 Proposals; Single subject.—**

Each filed proposal shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title.

## **RULE FOUR**

### **FULL COMMISSION; ORDER OF BUSINESS AND CALENDAR**

#### **4.1 Meetings of the Commission.—**

The Commission shall meet pursuant to a schedule adopted by the Rules and Administration Committee and approved by the Commission Chair. The schedule shall set forth the hours to convene and adjourn. A meeting may be extended beyond the scheduled hour of adjournment by a majority vote.

**4.2 Quorum.—**

A majority of the Commission shall constitute a quorum.

**4.3 Daily order of business.—**

The daily order of business shall be as follows:

1. Roll call
2. Prayer
3. Pledge of Allegiance to the Flag
4. Receiving communications
5. Reports of committees
6. Matters on reconsideration
7. Special order
8. Unfinished business
9. Correction and approval of Journal

The Secretary of the Commission shall prepare and distribute, on each day the Commission meets, a calendar corresponding to the Daily Order of Business. Within each order of business, matters shall be considered in the order that they appear on the daily calendar.

**4.4 Motion to amend special order.—**

The special order may be amended by a two-thirds (2/3) vote of the Commissioners present and voting.

**4.5 Reference of a bill to committee; change or removal of committee reference.—**

After the Commission Chair has referred a proposal, the chair of the Rules and Administration Committee may move for reference to a different committee or for removal from any committee after the introducer of the proposal has filed a request with the chair of the Rules and Administration Committee signed by the chair of the affected committee(s), the chair of the Rules and Administration Committee, and the Commission Chair. This motion may be adopted by a two-thirds (2/3) vote of those Commissioners present and voting.

**RULE FIVE**

**FULL COMMISSION VOTING**

**5.1 Taking the yeas and nays.—**

The Commission Chair shall declare the outcome of all votes, but if three (3) Commissioners immediately question the result of a vote by a show of hands, the Chair shall take the vote by oral or electronic roll call. When the vote is completely recorded, the Commission Chair shall announce the result to the Commission, and the Secretary shall enter the result in the Journal.

**5.2 Change of vote.—**

After the vote, but prior to the announcement of the result of a roll call, a member may vote, or change his or her vote, and such vote shall be recorded in the Journal. After the vote has been announced, a member with unanimous consent of those present may change his or her vote and such vote shall be recorded in the Journal, except that no such change of vote shall be valid where such vote would alter the final outcome.

**5.3 Casting vote for another.—**

No member shall cast a vote for another member, nor shall any person not a member cast a vote for a member.

**5.4 Adoption of proposals.—**

1. A proposal that has been placed on the calendar pursuant to Rule 2.16 shall require a majority vote of the Commission for further consideration of the proposal and for commitment of the proposal to the Style and Drafting Committee.
2. The Style and Drafting Committee shall review all proposals receiving a majority vote of the Commission for further consideration and prepare recommended ballot language. All action taken by the committee shall be presented in a report to the full Commission. .
3. A report of the Style and Drafting Committee shall be considered in accordance with Rule 2.17.

4. Final adoption of any proposal(s) as amended by the report shall require a vote of at least 22 members of the Commission and shall be recorded by oral or electronic roll call.

## RULE SIX

### MOTIONS AND PRECEDENCE

#### **6.1 Motions; how made, withdrawn.—**

Every motion other than a motion to amend a proposal under consideration, shall be made orally. At the request of the Commission Chair any motion shall be reduced to writing. After a motion has been stated or read by the Commission Chair, it shall be deemed to be in possession of the Commission and, without a second, shall be disposed of by a vote of the Commission. The mover of the motion may withdraw a motion, except a motion to reconsider, as hereinafter provided, at any time before the same has been amended or before the vote shall have commenced.

#### **6.2 Motions; precedence.—**

When a question is under debate, the Commission Chair shall receive no motion except:

1. To adjourn instanter
2. To adjourn at a time certain
3. Questions of privilege
4. To take a recess
5. To reconsider
6. To limit debate
7. To temporarily postpone
8. To postpone to a day certain
9. To commit to a standing committee
10. To commit to a select committee
11. To amend

Those motions shall have a precedence in the descending order given above. The Commission Chair shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature; except that in fixing time, the longest time shall be put first. In all cases where the Commission shall be equally divided, the question shall be lost.

#### **6.3 Motions which can be made but once.—**

Motions to adjourn or recess shall be decided without debate by a majority vote of those present and voting. Only one substitute for a motion to adjourn shall be entertained. The substitute motion shall fix a different time for adjournment, and the same shall be put without debate, except that one (1) minute shall be allowed for the movers of the substitute to explain their reasons. The substitute motion having been lost, the question shall be put on the original motion, which, if lost, shall preclude any further motion to adjourn until other business shall have intervened.

#### **6.4 Division of question.—**

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

#### **6.5 Reconsideration; generally.—**

When a main question has been made and carried or lost, a Commissioner voting with the prevailing side may move for reconsideration of the question on the same or the next day on which the Commission meets. If the question has been decided by voice vote, any Commissioner may so move. Such motion may be made pending a motion to adjourn or if it is time to adjourn. Consideration of a motion to reconsider shall be a special and continuing order of business for the full Commission when it next meets as the full Commission succeeding that on which the motion was made and, unless considered on said business day, shall be considered abandoned. If the Commission shall refuse to reconsider or, on reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except on unanimous consent of those present. When a majority of Commissioners present vote in the

affirmative on any question but the proposition be lost because it is one in which the concurrence of more than a majority is necessary for adoption or passage, any Commissioner may move for reconsideration. On the last day on which the Commission meets, a motion to reconsider shall be taken up instanter.

**6.6 Reconsideration; when debate allowed.—**

Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. Where debate upon a motion to reconsider is in order, no member shall speak thereon more than once nor for a longer period than five (5) minutes.

**6.7 Reconsideration; collateral matters.—**

The adoption of a motion to reconsider a vote upon any secondary matter shall not remove the main subject under consideration from the consideration of the Commission. A motion to reconsider a collateral matter must be disposed of at once during the course of consideration of the main subject to which it is related and such motion shall be out of order after the Commission has passed to other business.

**RULE SEVEN**

**AMENDMENTS**

**7.1 General form; notice; manner of consideration.—**

All amendments shall be filed with the Secretary of the Commission on forms prescribed by the Secretary, but shall be considered only after the sponsor gains recognition from the chair to move for adoption. All amendments timely filed shall be heard and the sponsor given the opportunity to be heard unless said amendment is withdrawn by the sponsor. The Rules and Administration Committee shall establish amendment filing deadlines, and any amendments thereto.

**7.2 Sequence of amendments to amendments.—**

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

1. Amendments to the amendment are acted on before the substitute is taken up. Only one amendment to the amendment shall be 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 proposal itself.

**7.3 Amendment; germanity of amendment.—**

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1. Neither the Commission nor any substantive 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 proposal that is substantially different from the proposal's original title or that would unreasonably alter the nature of the proposal.
2. The Commission Chair, or the Committee Chair in the case of an amendment offered in 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.

**7.4 Floor amendments out of order. —**

A floor amendment is out of order if it is the principal substance of a proposal that has:

1. Received an unfavorable committee report;
2. Been withdrawn from further consideration; or
3. Not been reported favorably by at least one committee of reference

And may not be offered to a proposal that is on consideration by the full Commission. Any amendment that is substantially the same, and identical as to specific intent and purpose, as the measure residing in a committee of reference is covered by this Rule.

## RULE EIGHT

### DECORUM AND DEBATE

#### **8.1 Decorum and debate.—**

When any member desires to speak or deliver any matter to the Commission, the member shall rise at his or her seat and address the Chair as Mr. or Madam Chair, and, on being recognized, may address the Commission from his or her desk, and shall confine any remarks to the question under debate, avoiding personality. A member shall not address or refer to another member by his or her first name. A member shall use the appellation of Commissioner, or such appellation and the surname of the Commissioner addressed.

#### **8.2 Commission Chair's power of recognition.—**

When two (2) or more members rise at once, the Commission Chair shall name the member who is first to be recognized.

#### **8.3 Interruption of members in debate.—**

No member shall be interrupted by another member without the consent of the member who has the floor, except rising to a question of order.

#### **8.4 Time for debate.—**

No member shall speak more than ten (10) minutes in debate on any question. The introducer of a proposal under consideration shall be entitled to five (5) minutes to close, notwithstanding that the introducer may have used ten (10) minutes in opening.

#### **8.5 Limitation on debate.—**

When a proposal is under debate by the Commission, a member may move to limit debate, and such motion shall be decided without debate, except the introducer of a proposal shall have five (5) minutes to discuss said motion. If, by two-thirds (2/3) vote of those present, the question is decided in the affirmative, debate shall be limited accordingly.

#### **8.6 Priority of business.—**

All questions relating to priority of business shall be decided without debate.

#### **8.7 Questions of privilege.—**

Questions of privilege shall be: (1) those affecting the Commission collectively, its safety, dignity, and the integrity of its proceedings; and (2) the rights, reputation, and conduct of members individually in their representative capacity only. These shall have precedence over all other questions except motions to adjourn. Upon recognition of the Chair, no member shall be permitted to speak longer than ten (10) minutes on a question of privilege.

## RULE NINE

### MISCELLANEOUS

#### **9.1 Interpretation of rules.—**

It shall be the duty of the Commission Chair, or the presiding officer, to interpret all rules, subject to appeal in accordance with Rule 1.5. In all cases not provided for by the State Constitution or the Rules of the Commission, the guiding, but nonbinding, authority shall be the latest edition of Mason's Manual of Legislative Procedure.

#### **9.2 Waiver and suspension of rules.—**

These Rules shall not be waived or suspended except by a two-thirds (2/3) vote of the Commissioners present and voting. The motion, when made, shall be decided without debate. No motion to waive a rule requiring unanimous consent of the Commission shall be adopted except by unanimous consent of those present.

**9.3 Changes in rules.—**

All proposed amendments to these Rules shall be presented to the Rules and Administration Committee for recommendation to the Commission. Such recommendation may be amended by a two-thirds (2/3) vote of the Commission and shall be adopted by a two-thirds (2/3) vote of the Commission.

**9.4 Majority action.—**

Unless otherwise indicated by these Rules, all action by the Commission shall be by majority vote of those members present and voting.

**9.5 Supreme Court library temporary repository for Commission records.—**

The Supreme Court library shall be provided with copies of the records for the purpose of creating an electronic record of the Commission process. All records of the Commission will be permanently stored with the Secretary of State, Division of Library Information Services, Bureau of Archives and Records Management.

DRAFT



# Public Records & Ethics

FLORIDA CONSTITUTION REVISION COMMISSION

# Article XI, Section 2, Florida Constitution

- ▶ SECTION 2. **Revision commission.**—(a) Within thirty days before the convening of the 2017 regular session of the legislature, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:(1) the attorney general of the state;
- ▶ (2) fifteen members selected by the governor;
- ▶ (3) nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and
- ▶ (4) three members selected by the chief justice of the supreme court of Florida with the advice of the justices.
- ▶ (b) The governor shall designate one member of the commission as its chair. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.
- ▶ (c) Each constitution revision commission shall convene at the call of its chair, adopt its rules of procedure, examine the constitution of the state, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the custodian of state records its proposal, if any, of a revision of this constitution or any part of it.

# Public Records

# Article I, Section 24(a), Florida Constitution

- ▶ SECTION 24. **Access to public records and meetings.—(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body**, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. **This section specifically includes** the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and **each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.**



The determining factor of whether a document is a public record subject to disclosure is the nature of the record, not its physical location.

*State v. City of Clearwater*, 863 So. 2d 149 (2003).

# Article I, Section 24(c), Florida Constitution

- ▶ (c) This section shall be self-executing. **The legislature, however, may provide by general law passed by a two-thirds vote of each house for the exemption of records from the requirements of subsection (a)** and the exemption of meetings from the requirements of subsection (b), provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. . . .

# Historical Significance

- ▶ The State Archives of Florida, within the Department of State houses records of the 1968, 1978, and 1998 Constitution Revision Commissions.

# Ethics



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- ▶ Florida has been a leader in ethics reforms
  - ▶ 1968- Florida Constitution requires Code of Ethics for state employees and non-judicial officers
  - ▶ 1976- First successful constitutional initiative adds the “Sunshine Amendment” establishing the Commission on Ethics and providing additional constitutional guarantees concerning ethics
  - ▶ Article II, section 8 of the Florida Constitution provides Financial Disclosure Requirements for public officers, candidates, and employees



▶ Remember:

You likely wear multiple hats.

# Gifts

- ▶ No solicitation or acceptance of a gift or anything of value based on an understanding that your vote, official action, or judgment will be influenced. (Section 112.313(2), Fla. Stat.).
- ▶ No solicitation of gifts from a political committee, lobbyist who has lobbied you or your agency during the last 12 months, or the partner, firm, employer, or principal of such a lobbyist or from a vendor. (Section 112.3148, Fla. Stat.).
- ▶ No soliciting or accepting gifts from political committees. (Section 112.31485, Fla. Stat.).

# Honorariums

- ▶ Prohibited from soliciting an honorarium related to your public office or duties. (Section 112.3149, Fla. Stat.).
- ▶ Prohibited from knowingly accepting an honorarium from a political committee, lobbyist who has lobbied your agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist, or from a vendor. (Section 112.3149, Fla. Stat.).
- ▶ Prohibited by expenditure ban from accepting honorarium event-related expenses (travel, hotel, meals) from a lobbyist or principal of a lobbyist. (Section 112.3215, Fla. Stat.).

# Section 112.3215, Florida Statutes

- ▶ Must register to lobby the Constitution Revision Commission
- ▶ Expenditure ban:
  - ▶ (6)(a) Notwithstanding s. [112.3148](#), s. [112.3149](#), or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no agency official, member, or employee shall knowingly accept, directly or indirectly, any expenditure.

# What is an expenditure?

- ▶ (d) “Expenditure” means a payment, distribution, loan, advance, reimbursement, deposit, or **anything of value** made by a lobbyist or principal for the purpose of lobbying. . . .

Section 112.3215 (1)(d), F.S.

# Other Ethical Requirements

- ▶ Unauthorized compensation
- ▶ Misuse of position
- ▶ Disclosure or use of information not available to the public

# Disclosures

- ▶ **Form 1**- Limited Financial Disclosure (disclosure for 2016 should be filed asap)
- ▶ **Form 1F**- Final Limited Financial Disclosure (within 60 days after leaving office)
- ▶ **Form 9**- Quarterly Gift Disclosure (only if you receive gifts over \$100 not from relatives or lobbyists)
  - ▶ File all forms with the Florida Commission on Ethics

