



## **Model Legislature Rules and Procedures**

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Adapted by the Florida Model Legislature from the following works consulted:

Speaker Cannon, Dean. -2010-2012 House Rules Ed 1. Florida House of Representatives 2010-2012. November 16, 2010.

Speaker Cannon, Dean. -2010-2012 House Rules Ed 2. Florida House of Representatives 2010-2012. November 16, 2010.

# **RULE ONE- DEBATE AND CHAMBER PROTOCOL**

## ***PART ONE—Privilege of the Floor***

### ***1.1—Privilege of the Floor***

- a) MEMBERS' ACCESS. Members of the Senate or House, respectively, 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. Executive Staff, The Governor and the Lieutenant Governor.
- c) EMPLOYEES' ADMISSION. House and Senate employees may be admitted To the Chamber as determined by the Presiding Officer
- d) OTHER GUESTS. Other guests may be granted the privilege of the Floor at the discretion of the Presiding Officer.
- e) RESTRICTIONS ON NON-MEMBERS. Persons granted the privilege of the floor may not lobby the members while the House or Senate is in session, unless granted leave to address the Chambers
- f) SESSION ATTIRE. When the House or Senate is in session, all persons in The Chamber shall be dressed in proper business attire.

## ***PART TWO—Speaking***

### ***1.2—Addressing the House; Requirements to Spread Remarks upon the Journal***

When a member desires to speak or deliver any matter to the House or Senate, the member shall rise and respectfully address the presiding officer as

"Mr. (or Madam) Speaker/, or  
-Mr. (or Madam) President"

and shall confine all remarks to the question under debate, avoiding personal reference. Failure to do so will result in the presiding officer calling the legislative member out of order and the member loses his/her right to speak. Once recognized, a member may speak from the member's desk or may, with the Chair's permission, speak from the well.

### ***1.3—When Two Members Rise at Once***

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

### ***1.4—Recognition of Members***

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

### ***1.5—Recognition of Gallery Visitors***

On written request by a member, on a form prescribed by the Clerk or Secretary, the Presiding Officer may recognize or permit the member to recognize any person or persons in the gallery. After granting a request for recognition, the Presiding Officer 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.

### ***PART THREE—Debate***

#### ***1.6—Decorum***

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

#### ***1.7—Speaking and Debate; Right to Close***

A member may not speak more than once nor occupy more than (5) minutes in debate on any question. Once the presiding officer has set the time for debate on any question the member speaking must indicate that they -yield his/her time<sup>l</sup> by saying “**I yield my time to a like speaker**” or the member may designate a specific speaker to which to yield his/her time. If time is not yielded, the presiding officer states -” Time was not yielded and the debate is ended or reverts to the opposing view”.

Another member may not interrupt a member who has the floor for any purpose, save the privilege of the Chambers, unless he or she consents to yield to the other member. A member desiring to interrupt another in debate should first address the Presiding Officer for the permission of the member speaking. The Presiding Officer 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.

#### ***1.8—Asking Questions of Members***

It is entirely within a speaking member's discretion whether to **yield to non-debatable, technical questions**. The proper purpose of a question is to obtain information in good faith, not for the questioner to supply information to the body. -Non-debatable, technical question is defined as a question that may not contain arguments or debate.

#### ***1.9—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 (5) minutes, unless otherwise limited by majority vote of the House and Senate, notwithstanding the limitation in Rule 1.7.

### ***PART FOUR—Materials and Meals in Chamber***

#### ***1.10—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 Presiding Officer and Executive Committee of Model Legislature.
  - 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 Presiding Officer and Clerk/Secretary and official communications from the House/Senate; and official staff reports of standing or select councils or committees or of the majority or minority party.

- b) While members may consume **water contained in a plastic bottle** on the floor, other liquids, food, or meals or will not be allowed on the floor without concurrence of a majority vote and the consent of the Presiding Officer.

## ***PART FIVE—Miscellaneous Papers***

### ***1.11—Miscellaneous Papers***

Papers of a miscellaneous nature addressed to the House or Senate may, at the discretion of the Presiding Officer, 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 Chamber 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 a majority vote.

## **RULE TWO—VOTING**

### ***2.1—Members Shall Vote***

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

### ***2.2—Taking the Yeas and Nays***

The presiding officer may take any vote by voice vote. The Presiding Officer Shall ask those who are voting for the proposition to signify by saying Yea and those against the proposition will signify by saying Nay. If the Presiding Officer is in doubt as to the outcome, he/she may proceed by asking for a roll call vote of those for and against. The count then determines the outcome. A member/legislator who is unsatisfied with a voice vote may call for division which allows for a roll call vote. The Presiding Officer then has the discretion to ask for a roll call vote.

### ***2.3—Vote of the Presiding Officer or Temporary Presiding Officer***

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

### ***2.4—Votes After Roll Call; Finality of a Roll Call Vote***

- a) 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.

### ***2.5—No Member to Vote for Another except by Request and Direction***

- a) No member may vote for another member except at the other member's specific request and direction. No member may vote for another member who is absent from 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 to indicate one's presence.
- c) Any member who votes or attempts to vote for another member in violation of this rule or who requests another member to vote for the requesting member in violation of this rule may be disciplined in such a manner as the Chamber 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 Chamber may deem proper.

## **RULE THREE—ORDER OF BUSINESS AND CALENDARS**

### ***PART ONE—Order of Business***

#### ***3.1—Daily Sessions***

The House and Senate shall meet each legislative day as stated in the official schedule.

#### ***3.2—Daily Order of Business***

- a) When the Chamber convenes on a new legislative day, the daily order of business shall be as follows:
  - (1) Call to Order.
  - (2) Pledge of Allegiance
  - (3) Quorum Call
  - (4) Communications and messages from the House/Senate
  - (5) Reading of the Calendar
  - (6) Unfinished Business
  - (7) Passage of Bills
- b) Within each order of business, matters shall be considered in the order in which they appear on the daily printed Calendar of the House and Senate.

#### ***3.3—Quorum***

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

#### ***3.4—Consideration of Communications and House/Senate Messages:***

Communications and House or Senate messages may be considered by the Chamber at the time and in the order determined by the Presiding Officer.

### ***PART TWO—Readings***

#### ***3.5—"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 Presiding Officer.

#### ***3.6—Reading of Bills and Joint Resolutions***

- a) First Reading- The first reading of a bill shall take place during the first legislative session of the chamber. The Presiding Officer shall call upon the Clerk or Secretary to read the first bill (by title only). The Presiding Officer shall then refer the bill to a specific committee<sup>1</sup>.
- b) Second Reading- Upon motion by a Member, the Presiding Officer shall call upon the Clerk or Secretary to read the bill in question for the second time. A member sponsoring a bill on the calendar may motion for a Second Reading by gaining recognition of the Chair and stating the following: **"Mr./Madam President/Speaker,**

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<sup>1</sup> This process is completed before the session begins with House and Senate Leadership and the Executive Committee of Florida Model Legislature

**I move that the rules be waived and House/Senate Bill No. \_\_\_\_ be read for a second time by the title only.”**

- c) Third Reading- Upon motion by a Member, the Presiding Officer shall call upon the Clerk or Secretary to read the bill in question for a third and final time. The sponsor of a bill currently in question may motion for a Third Reading by gaining recognition of the Chair and stating the following:

**“Mr./Madam Speaker/President, I move the rules be further waived and that House/Senate Bill No. \_\_\_\_ be read for a third time by title only and placed on final passage.”**

### ***3.7—Reading of Concurrent Resolutions and Memorials***

Concurrent resolutions and memorials shall be read prior to a voice vote upon adoption.

### ***PART THREE—Calendars***

#### ***3.8—Determination of Calendar***

- a) The House and Senate Rules Committee shall determine the Calendar.  
b) Members may motion to place a bill on the calendar or move a bill on the calendar to a specific location at the discretion of the Presiding Officer by gaining recognition of the chair and stating **“Mr./Madam Speaker/President, I move that the rules be waived and that House/Senate Bill No. \_\_\_\_ be placed (on a designated place) on the calendar”**. This motion shall require a 2/3 majority vote by the chamber.

#### ***3.9—Informal Deferral of Bills***

Whenever the member who introduced a bill or the first-named member sponsor of a committee 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 or Senate during the same legislative day. The member shall have the responsibility of making the motion for its subsequent consideration.

## **RULE FOUR—MOTIONS**

### ***4.1—Motions; How Made***

Every motion shall be made orally, except when requested by the Presiding officer to be reduced to writing and submitted to the clerk/secretary. Any member may make a motion by addressing the Presiding Officer in the usual manner and then stating the motion. When a motion has been made, the Presiding Officer shall state it to the chamber for consideration, and the chamber shall cast their vote for or against the motion.

### ***4.2—Precedence of Motions During Debate***

- a) When a question is under debate, the Presiding Officer shall receive no motion except:
- (1) To adjourn at a time certain.
  - (2) To adjourn.
  - (3) To recess to a time certain.
  - (4) To lie 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 amend.
  - (11) To amend by removing the enacting or resolving clause.
- b) Such motions shall have precedence in the descending order given.

### ***4.3—Questions of Order Decided without Debate***

The Presiding Officer shall decide, without debate, all procedural questions of order that arise when a motion is before the Chamber or on appeal.

### ***4.4—Division of Question***

If a question before the House and Senate is susceptible of separation into two or more parts, any member may call for a division of the question so that each part may be voted on separately. However, a motion to remove and insert cannot be divided.

### ***4.5—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 Chamber and can be amended as to the time to recess and duration of the recess. It yields only to a motion to adjourn.

### ***4.6—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.

#### ***4.7—Motion to Reconsider***

A member may gain recognition of the Presiding Officer and move to reconsider a vote on a specific bill or amendment that was passed or defeated. Any member who voted on the prevailing side may make the motion and it shall require a 2/3 majority vote. No question can be reconsidered more than one time.

#### ***4.8—Motion for the Previous Question***

- a) This motion ends debate and moves for an immediate vote on the amendment. 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.
- 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 (2) minutes each within which to debate the pending question, and each may divide the time with, or waive this right in favor of, one other member.
- c) When the motion for the previous question is adopted on a main question (the bill), the sense of the Chamber 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 Sponsor of the bill.

#### ***4.9—Motion to Limit Debate***

When there is debate by the Chamber, a member may to move to limit debate to a specified time and such motion shall be decided without debate, except that the Bill sponsor or mover of the question under debate shall have (2) 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 the designated amount of time minutes for each side.

#### ***4.10—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 or Senate on the same legislative day, it shall be placed under the order of unfinished business on the Calendar of the Chamber. 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.

#### ***4.11—Motion to Withdraw a Bill***

- a) A motion to withdraw a bill from a committee shall require a two-thirds vote.
- b) Any member may, no later than under the order of business of the Reading of the Calendar, withdraw a bill.
- c) A motion to withdraw a bill from further consideration of the House and Senate shall require a two-thirds vote.



- i. 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.
- ii. The bill sponsor may, prior to its introduction, withdraw the bill by letter to the Clerk at the discretion of the Presiding Officer.
- iii. 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.

#### ***4.12—Dilatory Motions***

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

#### ***4.13—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.

## **APPENDIX 1— PROCEDURE OF COMMITTEE SESSIONS**

### ***A1.1-Committee Structure***

- a) Committees shall be led by one Chairperson as designated by the House or Senate Leadership prior to the conference. The Chairperson shall preside over all committee meetings.
- b) The Chairperson shall be assisted by a Secretary or Vice Chairperson who will be chosen at his/her discretion before the meeting is called to order. The Secretary/Vice Chairperson shall keep minutes, report all committee amendments and reports to the House Clerk or Senate Secretary, and post the Committee Calendar.

### ***A1.2-Committee Agenda***

- a) Ensuring Bill Sponsorship
  - (1) Prior to the start of session, the Committee Chairperson shall ensure that all bills on the calendar have a sponsor.
- b) Session Order of Business
  - (1) Call Committee to Order
  - (2) Take Role and Announce Quorum
  - (3) The Chairperson shall have the Secretary/Vice Chairperson read each bill which has been referred to the committee for the first time by title only.
  - (4) After all bills have been read by title only the committee shall vote on the committee consent calendar. This will be the order that legislation is discussed.
  - (5) Have each bill sponsor give a brief (no more than 2 minutes) summary of his/her bill and accept **non-debatable** technical questions. Bills are to be presented in the order in which they appear on the calendar.
  - (6) Lobbyists and others present may testify on the bill by seeking the recognition of the chair for a specified period of time not to exceed 2 minutes.
  - (7) The Chairperson may open the session to two (2) rounds of pro/con debate by the members for a period not to exceed 3 minutes per bill.
  - (8) Members wishing to debate shall gain the recognition of the chair prior to speaking. Members with amendments to a bill may submit the amendment to the Committee Secretary/Vice Chairperson at any time using the proper amendment form.

- (9) The Chairperson shall ask the Secretary/Vice Chairperson if any amendments for the current bill have been submitted. If so, the amendment shall be read aloud by the Secretary/Vice Chairperson.
- (10) Amendments: Amendments shall be considered in the order that they were submitted. The amendment sponsor shall have one (1) minute to present the amendment and to answer non-debatable, technical questions.
  - a. The Chairperson may open the session to pro/con debate by the members for a period of 2 minutes per amendment.
  - b. Members shall vote on the amendment. Consensus shall be determined by a simple majority vote. If an amendment is determined as favorable, it shall become a part of the bill.
- (11) The bill sponsor shall have one (1) minutes to close.
- (12) Members shall vote on the bill. Consensus shall be determined by a simple majority vote, and may be deemed:
  - a) Favorable
    - i. In original form
    - ii. With Amendments, or
  - b) Unfavorable
    - i. Tabled
    - ii. Killed
- (13) This process shall continue until all bills on the consent calendar have been exhausted.
- (14) Bills passed with favorable consensus shall be ranked in order of importance. Bills will be ranked in order of importance so that the most important issues will be dealt with first in debate. Members should submit the ranking to the committee secretary, who shall work with the chair to tally the bills and establish the order of priority. The bill with the lowest tally number shall be prioritized first, and the bill with the highest tally number shall be prioritized last.
- (15) The Secretary/Vice Chairperson shall announce the suggested calendar.
- (16) Any member may make a motion to adjourn the committee meeting at this time, which requires a Second and oral majority vote. The Committee Chair shall adjourn the meeting and ensure that the room is left in proper order.

### ***A1.3- Recess of Committee Meeting***

The Committee Chairperson may accept the motion of Recess from any member at the appropriate time. The Secretary/Vice Chairperson must call role and announce quorum as outlined in items A1.2 (2) at the start of each reconvening session.

## APPENDIX 2— PROCEDURE OF HOUSE/SENATE SESSIONS

### A2.1- Meaning of Gavel Raps

- 1 rap – The chamber will come to order.
- 2 raps – Members will rise.
- 3 raps – Members stand and applaud until a single rap returns order.

### A2.1- Procedure and Language of Bill Passage

- (1) Presiding Officer: We will now revert to the order of passage of bills.
- (2) Sponsor of Bill Current on Calendar: After gaining recognition: **Mr. /Madam President/Speaker, I move that the rules be waived and House/Senate Bill No. be read for a second time by the title only.**
- (3) Presiding Officer: It has been moved that Bill No. \_\_\_\_ be read for a second time by title noting changes made in committee. Is there an objection to the motion? Hearing none, will the Secretary/Clerk now read Bill No. \_\_\_\_ for the second time by title noting changes made in the committee.
- (4) Secretary/Clerk: (Reads the bill by title only, noting changes made in committee) House/Senate Bill \_\_\_\_, a bill to be entitled...
- (5) President/Speaker: The sponsor has three (3) minutes to present the bill.
- (6) **Sponsor: Goes to the front of the chamber and presents the bill.**
- (7) President/Speaker: We are now in order for non-debatable technical questions.
- (8) (Legislator rises) President/Speaker: For what purpose does the member rise?
- (9) Legislator: **After stating name and district, “I rise to ask a non-debatable, technical question of the sponsor.”**
- (10) President/Speaker: Will the sponsor yield to a non-debatable, technical question?
- (11) **Sponsor: Yes, I yield. (Sponsor may yield to all questions or one at a time)**
- (12) President/Speaker: The Sponsor has yielded; you may ask your question.
- (13) Member: **(asks question) — Sponsor answers** (Other legislators may be recognized to ask non-debatable, technical questions until time expires).
- (14) President/Speaker: We are now in order for open debate on the floor, are there any motions?  
  
It shall be at the discretion of the Presiding Officer to accept a motion from the floor for the following forms of debate, provided that they:
  - a) Rounds of Pro/Con Debate set individually at a specified time. **I move for X rounds of Pro/Con debate set at X minutes each**
  - b) (b) Convene as a Whole for a specified time. **I move to Convene as a Whole for X minutes**
  - c) Unmoderated Caucus set at a specified time. **I move to entertain an unmoderated caucus for a period of X minutes**
- (15) Member: **(gains recognition from the chair and makes motion)**
- (16) President/Speaker: We are now in order for X minutes of X debate.

(17) Member: (gains recognition from the chair) **I rise to speak (pro/con) on this bill**

Debate by members shall continue by legislators based on the type of debate that has been selected until the time allotted has expired.

- a) In Pro/Con, a member may yield his/her time to a like speaker or to a specific representative/senator. If time is not yielded, time is called and the debate reverts to the opposing side. Representatives/Senators must gain permission from the presiding officer
- b) If Convened as a Whole, the entire chamber may enter into informal discussion without formality other than recognition by the chair.
- c) If in Unmoderated Caucus, members may debate informally on the floor for the allotted time provided that debate remains professional.

(18) President/Speaker: -The bill sponsor has three (3) minutes to close.

(19) Sponsor: Returns to the front of the chamber and presents his/her closing arguments. When finished, he/she then says: **Mr. /Madam Speaker/President, I move the rules be further waived and that Bill No. \_\_\_\_ be read for a third time by title only and placed on final passage.**

(20) President/Speaker: It has been moved that Bill No. \_\_\_\_ be read for a third and final time by title only. Is there an objection to the motion? Hearing none, Will the Secretary/Clerk now read House/Senate Bill No. \_\_\_\_ for the third and final time by title only?

(21) Secretary/Clerk: Reads the bill by title only.

(22) President/Speaker: -Are there any amendments on the desk? (If so, they are read by the Secretary/Clerk). Amendments are considered in the order in which they are submitted. The amendment sponsor has two (2) minutes to present the amendment. The amendment sponsor may waive his/her time to like speakers until the time has expired. An opposition speaker is then given two (2) minutes, and may also waive time to like speakers. The amendment sponsor then has one (1) minute to summarize. The members may then vote on the amendment. This process shall continue until the amendment list has exhausted.

(23) Sponsor: **Mr. /Madam President/Speaker, I move that House/Senate Bill No. does now pass.**

(24) President/Speaker: It has been moved that House/Senate Bill No. \_\_\_\_ does now pass. This vote is on the final passage of Bill No. \_\_\_\_.

- Members will vote by method selected by the Presiding Officer. The Secretary/Clerk will count the votes.
- Will the Secretary/Clerk announce the vote?

(25) Secretary/Clerk: Mr. /Madam President/Speaker there are X yeas and X nays

(26) President/Speaker: By your vote you have passed (failed to pass) Bill No. \_

(27) President/Speaker: The chair will now recognize the sponsor of the next bill.

