



FLORIDA MODEL LEGISLATURE

The Legislative Process



FLORIDA HISTORY & OVERVIEW

A Brief Overview

FLORIDA GOVERNMENT & STATE LEGISLATURE



"We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution."

Constitution of Florida, 1968



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Brief History



Discovery and Early Governance

- 1513 Discover by Spanish Explorer Ponce de Leon
- Spanish Rule 1513-1763
- British Rule 1763-1783
- Spanish Rule 1783-1821 (until Adams–Onís Treaty)

Florida the State

- March 30, 1822 Florida becomes a U.S. Territory
- 1838 Florida's 1st Constitution (Rejected)
- March 3, 1845 Florida becomes the 27th U.S. State



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Florida Constitution(s)

- 1838 Constitution
- Ordinance of Secession, 1861 (Civil War)
- 1865 Constitution (Radical Reconstruction)
- 1868 Constitution (13th, 14th Amendments)
- 1885 Constitution (Poll Taxes)
- 1968 Constitution (Current)

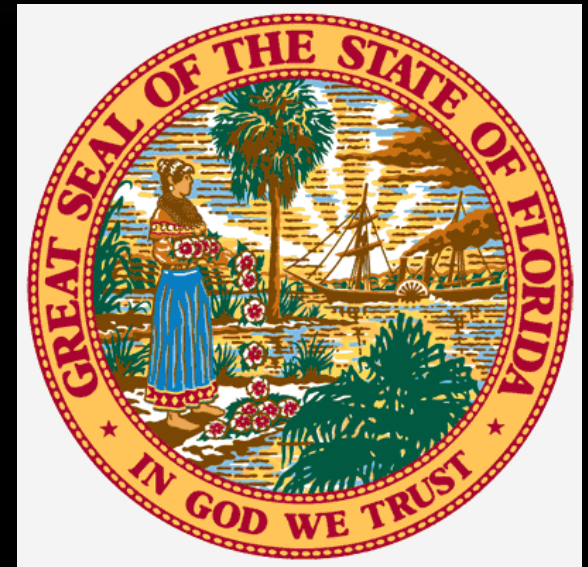
Amend the Constitution?: $\frac{3}{5}$ Legislature, Constitutional Revision Commission, Taxation and Budget Commission, Voter Initiative



Executive Branch

Florida Cabinet

- Governor, Rick Scott
- Lt. Governor, Carlos Lopez-Cantera
- Chief Financial Officer, Jeff Atwater
- Attorney General, Pam Bondi
- Commissioner of Agriculture, Adam Putnam
 - State of Florida Agencies (36)
 - Secretaries, Commissioners, Chairs are appointed by Governor
 - Commissioner of Education ?
 - Pam Stewart



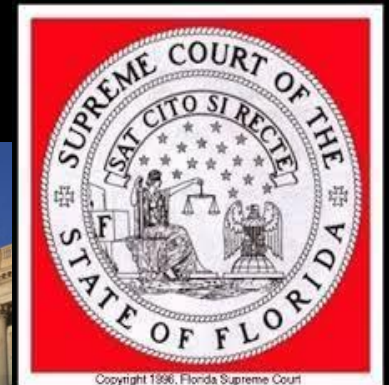
Judicial Branch

County Courts (67)- Misdemeanors, Small Claims

Circuit Courts (20)- Felonies, Family Court

Districts Court of Appeal (5)- Not Supreme Court

Supreme Court (1)- Constitutional, Capital Cases



STATE LEGISLATURE

State Legislature-

A **legislature** is a decision-making organization, that has the power to enact, amend and repeal laws.^[1] Legislatures observe and steer governing actions and usually have exclusive authority to amend the budget or budgets involved in the process.

Bicameral- 2 Chambers (House and Senate)

Unicameral- 1 Chamber (Nebraska only)

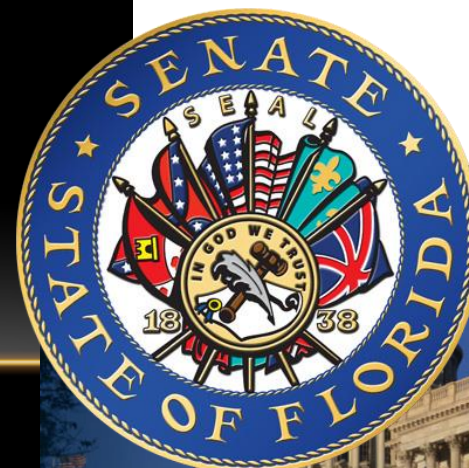
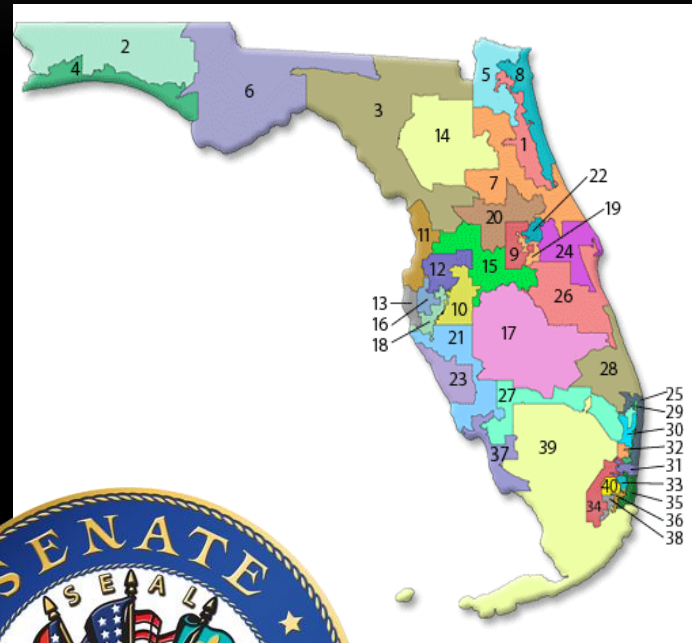
Federal- The U.S. Congress is a bicameral legislature.



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FLORIDA Legislature: Senate

40 Senators (members)
Serve 4 year term, 8 year limit
Senate President: Don Gaetz
Next: Senator Andy Gardiner



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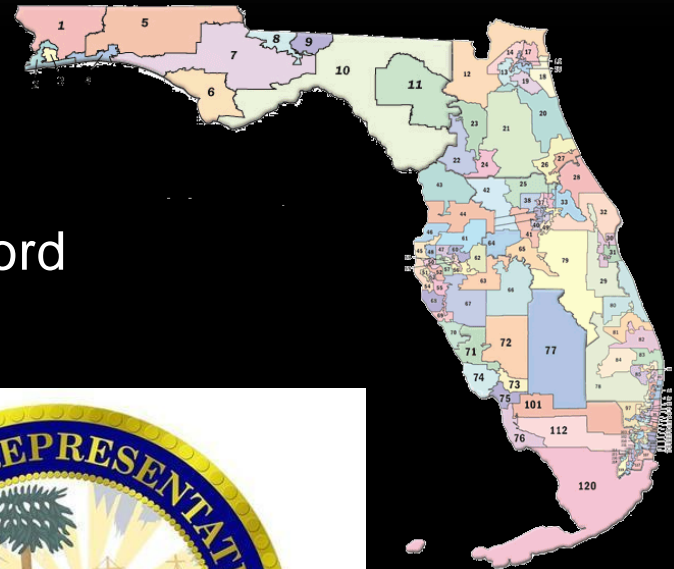
FLORIDA Legislature: House

120 Representatives (members)

2 year term, 8 year limit

Speaker of the House: Will Weatherford

Next: Rep. Steve Crisafulli



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FLORIDA Legislature: Members

- Must be 21 years old
- Reside in the district they represent
- Term Limited to 8 consecutive years

40 of 140 Senate and House Members have been re elected as unopposed (28%)

Important Terms:

Legislature

Legislator

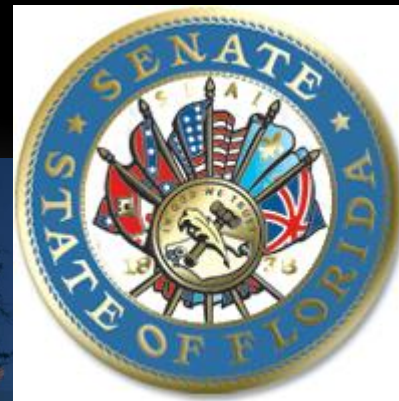
Legislation

60 consecutive day Legislative Session, begins on the first Tuesday after the first Monday of March.

March , 2015 thru May 1 , 2015 (est.)

Organization Session: November 18, 2014.

Every ten years due to U.S. Census the population is enumerated and the results require federal, state, and local governments to redraw electoral district boundaries in response to population changes



Federalism

Federalism is an evolving relationship between the state governments and U.S. Federal Government.

"If their [the peoples'] rights are invaded by either, they can make use of the other as the instrument of redress."

Alexander Hamilton in the Federalist Papers

Dual Federalism (Layer Cake)

Example: Law Enforcement

Cooperative Federalism (Marble Cake)

Example: Education



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Recommended Courses

POS 1112 State and Local Government

POS 1041- National Government

AMH 2070 Florida and It's History



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FLORIDA MODEL LEGISLATURE

The Committee Proceedings

COMMITTEE PURPOSE

- Committees serve a vital role in the legislature. Committees help decide what legislation will actually make it to consideration on the Senate and House floors. In this regards, the House Speaker and Senate President yield significant influence in this process with their sole authority to refer bills to one or more committees or subcommittees, appoint committee leaders and members, influence, through the chair of the Committee on Rules and Calendar, the placement of bills on the Special Order Calendar.



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PROCEDURE OF COMMITTEE SESSIONS

- Bills are heard at committees of reference.
- The Committee's role is to:
 - Analyze legislative bills;
 - Conduct hearings to obtain information about the subject that the bill addresses; and
 - Vote on legislative bills as presented at the committees of reference
- Bills can be created within a committee with approval from the presiding chamber officer
- Bills are debated and amended in committees as necessary
- Committee reports are given to the Clerk/Secretary on the action taken in committee who sends the information to the Rules and Calendar Committee which is charged with creating the Special Order Calendar
- After bills are heard at all committees of reference, they are heard for final passage by the full body where the bill originated





RULES OF PROCEDURE

A Brief Overview

RULE 1 – DEBATE AND CHAMBER PROTOCOL

- Privilege of the Floor – exclusively granted to the respective members of each chamber; others are granted permission per established procedures
 - Privileged Guests – The Governor and Lieutenant Governor
 - Session Attire – Business Attire
- Speaking
 - Rise and respectfully address the presiding officer as “Mr. or Madam Speaker or Mr. or Madam President
 - Keep remarks to the question under debate
 - Avoid personal reference
 - Must be recognized by the presiding officer
 - When recognized, the presiding officer may ask, “For what purpose does the member rise?” or “For what purpose does the member seek recognition.
- Debate
 - Important to “yield remaining time” or remaining time is forfeited
 - All questions asked should be NON-DEBATABLE TECHNICAL questions
 - A question that may not contain arguments or debate



RULE 2 - VOTING

- Members shall vote
- Method of vote is at discretion of the presiding officer
 - If voice vote is selected by the presiding officer and a member/legislator is unsatisfied with the results of the voice vote may call for “division”. This allows for a roll call vote.
- Presiding officer votes in the event of a tie and on final passage of a bill
- No member can vote for another member except at their request and direction and using established procedures



RULE 3 – ORDER OF BUSINESS AND CALENDARS

- Order of Business
 - Follows the daily Order of Business
 - Call to Order
 - Pledge of Allegiance
 - Quorum Call
 - Communications and message from the House/Senate
 - Reading of the Calendar
 - Unfinished Business
 - Passage of Bills



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RULE 3 – ORDER OF BUSINESS AND CALENDARS

- Quorum shall be a majority of the membership of the House and Senate
- Readings
 - Bill is read by name and title
 - First reading – referred to committee
 - Second reading – during the legislative session; bill is on the calendar for debate; after debate and discussion in committee meetings
 - ***“Mr./Madam Speaker/President, I move that the rules be waived and that House/Senate Bill No. be read for a second time by title only.”***
 - Third reading – amendments & final passage
 - ***“Mr./Madam Speaker/President, I move that 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.”***



RULE 3 – ORDER OF BUSINESS AND CALENDARS

- Calendars
 - The House and Senate Rules Committee determine the Calendar
 - *This is done with chamber leadership at model legislature*
 - Order may be changed by a motion
 - ***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.*** The motion requires a 2/3 majority vote to pass.
 - Informal Deferral of Bills
 - When a member of sponsor of a bill is absent from the Chamber when the bill is up for debate on the second or third reading consideration shall be deferred until the member returns unless another member consents to present the bill on behalf of the original author.
 - The Bill keeps its original position
 - It's the author's responsibility to make the appropriate motion for consideration.



RULE 4 - MOTIONS

- Motions are made following Roberts Rules of Orders and The Rules of Procedure
- Precedence of Motions During Debate:
 - To adjourn, adjourn or recess at a certain time – *to set time for meeting to close*
 - To lay on the table – *To remove item from consideration indefinitely.*
 - To reconsider – *Bring a decided question back for review.*
 - For the previous question – *Close debate on the question (terminates consideration of amendments to that question).*
 - To limit debate – *To regulate time for debate.*



RULE 4 – MOTIONS CONTINUED...

- To temporarily postpone – *To postpone to another time (subject to return at a convenient time).*
- To postpone to a time or day certain – *To postpone a main motion (only) to a particular time.*
- To refer to or to recommit to a committee or subcommittee – *To send to committee or subcommittee for further study.*
- To amend – *To alter or modify the wording of a question.*
- To amend by removing the enacting or resolving clause – *To reject the bill.*
 - 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.





HOW AN IDEA BECOMES A LAW

A Brief Overview

A BILL – THE BEGINNING STAGES

- Idea
 - A citizen, group, or legislator has an idea for a new law. A legislator then decides that the idea should be a bill
- Bill Drafted
 - The legislator contacts the House/Senate Bill Drafting Services and requests a bill to be drafted. The member provides detailed or high level instructions.
 - The Bill Drafting Service works with the legislator's office to draft the bill. Once the final draft is approved it's given a bill number; designated SB (Senate Bill) or HB (House Bill) (odd number in the House & even number in the Senate).
 - This is the first time an "idea" is called a bill.

NOTE: Bills filed in one chamber must have a "companion bill" filed in the other chamber. These companion bills are either identical, similar, or comparable to one another. Bills must be identical for final passage.



READINGS

- Per Article III of the Florida Constitution all bills must be read three times before being voted on.
- 1st Reading
 - Read by bill number, its sponsor, and a short one paragraph description of the bill, called the title, and recorded in the Chamber Journal.
 - Committee Referral by the presiding officer.
 - Committee reports the bill action as either
 - HOUSE: Favorably, favorably with recommended committee or subcommittee substitute, or unfavorable and SENATE: favorably, favorably with amendments, or unfavorable
- After bills are heard at all committees of reference, they are heard for final passage by the full body where the bill originated.



READINGS CONTINUED

- 2nd Reading
 - Bills on the Chamber Calendar don't always make it to the floor for debate. The Rules and Calendar Committee determine if and when a bill will go for a 2nd reading.
 - On the floor by consideration of the Special Order Calendar established by the Rules and Calendar Committee. The calendar is voted on prior to the consideration of bills on a specific legislative day
 - Bill is explained, questions answered, and amendments are considered.



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READINGS CONTINUED

- 3rd Reading
 - On the floor by consideration of the Third Reading Calendar
 - Final reading of the bill prior to being voted on
 - After bill has been thru committees and second reading
 - Amendments may be offered but may only be considered by a 2/3 vote
 - The final action is for debate on the bill prior to the sponsor making a closing statement



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CONSIDERATIONS

- Upon passage by the originating chamber, bills are transmitted to the other chamber with a message to be heard with the respective chamber's companion bill.
- The bill may be accepted as is or amended on the floor, referred to committee, or defeated on the floor.
- If the bill is amended it is sent back to the opposite chamber for further consideration. This process can go back and forth at an attempt to make a "perfect bill." If no compromise is made, the bill "dies."
 - If both chambers are passionate enough about the bill it can be referred to a special conference committee where both chambers work out the details
- **KEY POINT –**
 - **At any point of consideration, the bill may "die" for that legislative session, which means it will no longer be considered.**



FINAL PASSAGE

- After the 3rd Reading and any conference committee meetings the bill is on the road to becoming law
- The final version of the bill, if passed is signed by the officers, becomes an “act” is “enrolled” and sent to the Governor for consideration
- The Governor has:
 - 7 days to consider the bill while the Legislature remains in session
 - 15 days to consider the bill if it is received after the Legislature has adjourned “sine -die”
- Upon consideration, the Governor may:
 - Sign the bill into law
 - Allow the bill to become law without a signature
 - Or veto the bill
- As with the U.S. President, if the Governor vetoes the bill the Legislature may override the veto by $\frac{2}{3}$'s vote during the next session.



SPONSORING BILLS

- Representatives can only file up to six bills for a regular session, of which at least two must be approved for filing with the Clerk no later than noon of the 6th Tuesday before the first day of the regular session.
- There is no limit to the amount of bills a Senator can file/sponsor
 - The member considered to have filed a bill is the first name sponsor
 - There are exceptions to this rule as established by procedures



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QUESTIONS AND ANSWERS

- Thank You!
- Florida Model Legislature, Model Legislature Group
- info@modellegislature.org



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